

# Notice of Meeting

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## **Personnel Committee**

**Friday, 26 February 2010 at 2.00pm**

in the Members' Boardroom, Council  
Offices, Market Street, Newbury

Date of despatch of Agenda: 18 February 2010

For further information about this Agenda, or to inspect any background documents referred to in Part I reports, please contact Moira Fraser, Democratic Services Manager on (01635) 519045  
e-mail: [mfraser@westberks.gov.uk](mailto:mfraser@westberks.gov.uk)

Further information and Minutes are also available on the Council's website at [www.westberks.gov.uk](http://www.westberks.gov.uk)

## Agenda – Personnel Committee to be held on 26 February 2010 *(continued)*

**To:** Councillors Paul Bryant (*Chairman*), Adrian Edwards, Tony Linden, Keith Lock, Quentin Webb

**Substitutes:** Nicola Bailey, Rachel Craggs, Jane Malone, Rob O'Reilly, Katie Penlington

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# Agenda

## Part I

- |   | <b>Page No.</b> |
|---|-----------------|
| 1. <b>Apologies</b><br>To receive apologies for inability to attend the meeting (if any).                                 |                 |
| 2. <b>Minutes</b><br>To approve as a correct record the Minutes of the meeting of this Committee held on 23 October 2009. | 3-4             |
| 3. <b>Declarations of Interest</b><br>To receive any Declarations of Interest from Members.                               |                 |
| 4. <b>Domestic Abuse – Policy and Guidance for Staff Experiencing Domestic Abuse</b> (Jane Milone)                        | 5-26            |
| 5. <b>Alcohol and Substance Misuse Policy</b> (Jane Milone/Katie Penlington)  | 27-40           |
| 6. <b>Potential Expansion of the Terms of Reference of the Personnel Committee</b> (Robert O'Reilly)                      | Verbal          |
| 7. <b>Update on HR Policies and Procedures under Development</b> (Jane Milone)  | Verbal          |
| 8. <b>Date of the Next Meeting</b><br>Meeting required in week commencing 15 March 2010                                   |                 |

Andy Day  
Head of Policy and Communication

West Berkshire Council is committed to equality of opportunity. We will treat everyone with respect, regardless of race, disability, gender, age, religion or sexual orientation.

If you require this information in a different format, such as audio tape, or in another language, please ask an English speaker to contact Moira Fraser on telephone (01635) 519045, who will be able to help.



# DRAFT

Note: These Minutes will remain DRAFT until approved at the next meeting of the Committee

## PERSONNEL COMMITTEE

### MINUTES OF THE MEETING HELD ON

**23 OCTOBER 2009**

**Councillors:** Paul Bryant (*Chairman*) (P), Adrian Edwards (P), Tony Linden (P), Keith Lock (*Vice-Chairman*) (P), Quentin Webb (P)

**Also present:** Robert O'Reilly (Head of Human Resources), Maria Webber (Human Resources Officer) and Moira Fraser (Democratic Services Manager)

#### **PART I**

##### **11. APOLOGIES.**

There were no apologies for absence received.

##### **12. MINUTES.**

The Minutes of the meeting held on 17 July 2009 were approved as a true and correct record and signed by the Chairman.

##### **13. DECLARATIONS OF INTEREST.**

There were no declarations of interest received.

##### **14. MOBILE AND FLEXIBLE WORKING PROCEDURE.**

Robert O'Reilly and Maria Webber sought the Committee's approval for the implementation of the Mobile and Flexible Working Policy and Procedure (Agenda Item 4).

Robert explained that the documentation had been extensively consulted on (Trade Unions and staff representatives) and had been the subject of several iterations, including input following the implementation of Phase I of the Timelord Programme (Turnhams Green). Officers had considered best practice arising from other local authorities and organisations that had adopted a flexible working approach.

One of the major issues identified following Phase 1 was the issue of 'team ethos' and this had resulted in the changes to the procedure.

Members queries how the working style of individual employees would be arrived at. Robert explained that workshops for all affected staff would be held explaining the context, additional workshops for managers would also take place. Managers would make a judgement and discuss any personal implications with staff before arriving at an option. Officers adopting the 'home-flex' workstyle would be expected to provide their own equipment at home and would have to pay for any associated costs themselves. Posts recruited to in the future would have the workstyle attached and there would not be a choice for new employees.

Officers would be expected to work the same hours as they would be expected to work in the office, taking cognisance of the Flexible Working Policy, and Officers would have to be fully contactable during those times. A new telephony system would be introduced to support this. Officers would be expected to abide by the ICT Policy at home as well.

The procedures also included information on using flexi desks such as not eating 'smelly food' at these desks. Officers would be provided with a box for personal

effects. Desks would not be book able. This could be reviewed in time if it proved to be problematic. The percentage of time ‘home–flex’ workers would spend at home had not been stipulated. A critical success factor would be that Officers would have to make use of their outlook diaries. Extensive work had been undertaken to ensure confidentiality in terms of issues and location for those services that required it.

Where managers felt that employees were underperforming they could request that they spent more time in the office. Robert reiterated that nobody had the right to work at home. Officers would be required to undertake a health and safety risk assessment of their home working environment and this would be regularly monitored through the appraisal process. Officers agreed to distribute the questionnaire to Members of the Personnel Committee.

Robert explained that Officers would have to ensure that they had adequate care provision in place and could therefore be asked to come in at any time.

In response to a query Robert explained that Officers would be advised to let their mortgage and insurance providers know that they would be working from home as part of the working week. It was not anticipated that this would result in any additional costs to employees but should they arise the employee would need to fund them.

Officers would be encouraged not to store paperwork at home but any paperwork would be subject to the usual Freedom of Information regulations.

Members queries why the technology made us of mobile phones and Officers explained that employees did not necessarily want people having access to their home telephone numbers.

**RESOLVED that** the Mobile and Flexible Working Procedure be approved.

*(The meeting commenced at 2.00pm and closed at 3.00pm)*

**CHAIRMAN** .....

**Date of Signature:** .....

|                                    |   |               |
|------------------------------------|---|---------------|
| <b>Title of Report:</b>            | <b>Domestic Abuse - Policy and Guidance for Staff Experiencing Domestic Abuse</b> | <b>Item 4</b> |
| <b>Report to be considered by:</b> | Personnel   |               |
| <b>Date of Meeting:</b>            | 26 February 2010  |               |

**Purpose of Report:** To seek approval for the new Domestic Abuse (Staff) Policy to support employees of the Council who may be the subject of domestic abuse.

**Recommended Action:** Personnel Committee is asked to approve this policy, and its associated guidance, for implementation as soon as possible.

**Reason for decision to be taken:** To support the Council's proposed WBC Domestic Abuse Policy which will implement the recommendations of the Pemberton Report across the Council and all its relevant services. The WBC DA Policy will be signed off as an individual decision in March 2010.

**Other options considered:** n/a

**Key background documentation:** Pemberton Domestic Homicide Review Report 2008  
Draft WBC Domestic Abuse Policy

|  |  |
|--|--|
| The proposals will also help achieve the following Council Plan Themes:  |  |
| <input checked="" type="checkbox"/>  | <b>CPT7 - Safer and Stronger Communities</b> |
| <input checked="" type="checkbox"/>  | <b>CPT8 - A Healthier Life</b>               |
| <input checked="" type="checkbox"/>  | <b>CPT11 - Protecting Vulnerable People</b>  |
| <input checked="" type="checkbox"/>  | <b>CPT12 - Including Everyone</b>            |
| <input checked="" type="checkbox"/>  | <b>CPT14 - Effective People</b>              |
| The proposals contained in this report will help to achieve the above Council Plan Priorities and Themes by:<br>Ensuring that employees who are subject to domestic abuse are treated with care and respect, are provided with suitable support and information at work, and are provided with a safe working environment. |  |

| Portfolio Member Details                    |   |
|---|---|
| <b>Name &amp; Telephone No.:</b>            | Councillor Graham Pask - Tel (01635) 864023 |
| <b>E-mail Address:</b>                      | gpask@westberks.gov.uk                      |
| <b>Date Portfolio Member agreed report:</b> |   |

| Contact Officer Details |  |
|-------------------------|--|
| <b>Name:</b>            | Jane Milone                                      |
| <b>Job Title:</b>       | HR Manager (Policy, Information and Development) |
| <b>Tel. No.:</b>        | 01635 519238                                     |
| <b>E-mail Address:</b>  | jmilone@westberks.gov.uk                         |

### Implications

- Policy:** This policy supports the overarching WBC DA policy.
- Financial:** none
- Personnel:** contained within report
- Legal/Procurement:** none
- Property:** none
- Risk Management:** This policy and guidance will reduce the risk to employees who are subject to domestic abuse.
- Equalities Impact Assessment:** This policy will specifically support vulnerable groups - those who are at risk of domestic abuse.
- Corporate Board's View:**

|  |  |                              |
|--|--|------------------------------|
| <b>Is this item subject to call-in?</b>  | Yes: <input checked="" type="checkbox"/> | No: <input type="checkbox"/> |
| If not subject to call-in please put a cross in the appropriate box:   |  |                              |
| The item is due to be referred to Council for final approval   |  | <input type="checkbox"/>     |
| Delays in implementation could have serious financial implications for the Council                               |  | <input type="checkbox"/>     |
| Delays in implementation could compromise the Council's position   |  | <input type="checkbox"/>     |
| Considered or reviewed by Overview and Scrutiny Commission or associated Task Groups within preceding six months |  | <input type="checkbox"/>     |
| Item is Urgent Key Decision  |  | <input type="checkbox"/>     |

# Executive Summary and Report

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## 1. Introduction

- 1.1 West Berkshire Council has reviewed its approach to Domestic Abuse following the publication of the Pemberton Domestic Homicide Review report in 2008. A WBC Domestic Abuse Strategy Group, chaired by Margaret Goldie, has been set up to oversee the development of policy and practice relating to domestic abuse and oversee the implementation of the WBC related actions within the Report.
- 1.2 One strand of this work was to produce a policy and set of guidance notes for managers and employees on supporting employees who are the subject of domestic abuse.

## 2. Proposals

- 2.1 That a policy is introduced with the following aims;
- (1) Every employee who is experiencing, or has experienced, domestic abuse or violence;
    - (a) Is able to raise the issue with their manager in the knowledge that the Council will treat the matter sympathetically, confidentially and effectively.
    - (b) Is able to access support from the Council as their employer including, where appropriate;
      - (i) Additional paid or unpaid leave
      - (ii) Flexible working arrangements
      - (iii) Access to the Council's occupational health service or confidential counselling service.
    - (c) As far as possible, is safe at work from the perpetrator or abuser;
    - (d) Is not subject to discrimination at work as a result of experiencing or disclosing the abuse.
  - (2) The Council will ensure that guidance and training are provided to managers to be able to support employees who are experiencing domestic violence or abuse.
  - (3) All employees are expected to abide by the Council's Code of Conduct and Disciplinary Rules. Bullying, harassment and violence at work are all potential disciplinary offences and will be investigated under the terms of the Disciplinary Procedure, which could result in disciplinary action including dismissal.

- (4) Employees who are charged with criminal offences outside work related to domestic violence or abuse may be investigated under the terms of the Disciplinary Procedure, which could result in disciplinary action including dismissal.

2.2 That guidance notes are published for managers and for employees which provide information on domestic abuse, sources of support, and how the Council will deal sensitively with their needs.

### **3. Conclusion**

3.1 The draft Policy and Guidance Notes (appendices A, B and C), if adopted, will enable the Council to discharge its responsibilities towards its own employees who may be subject to domestic abuse, in line with the Council's Domestic Abuse Policy.

### **Appendices**

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Appendix A – Domestic Abuse (Staff) Policy

Appendix B – Domestic Abuse (Staff) – Guidance for Staff

Appendix C – Domestic Abuse (Staff) – Guidance for Managers

### **Consultees**

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#### **Local Stakeholders:**

**Officers Consulted:** Representatives on the Domestic Abuse Working Group

**Trade Union:** Rosemary Culmer



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# Domestic Abuse (Staff) Policy

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## Document Control

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|-----------------------------------|------------------|----------------|----------|
| Document Ref:                     | HRDA001          | Date Created:  | Dec 2008 |
| Version:                          | 1.0              | Date Modified: |          |
| Revision due                      |                  |                |          |
| Author:                           | Jane Milone      | Sign & Date:   |          |
| Owning Service                    |                  |                |          |
| Equality Impact Assessment: (EIA) | Date undertaken: |                |          |
|                                   | Issues (if any): |                |          |

|  |              |  |
|--|--------------|--|
| Chief Executive                              | Sign & Date: |  |
| Corporate Director (Community Services)      | Sign & Date: |  |
| Corporate Director (Children & Young People) | Sign & Date: |  |
| Corporate Director (Environment)             | Sign & Date: |  |

## Change History

| Version | Date | Description | Change ID |
|---------|------|-------------|-----------|
| 1       |      |             |           |
| 2       |      |             |           |
| 3       |      |             |           |

*This Policy is not for publication externally*

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DRAFT

## 1. Purpose

- 1.1 The purpose of this policy is to set out the Council's approach to supporting employees who are the victims of domestic violence or abuse.
- 1.2 The Chief Executive and Personnel Committee have approved the Policy.

## 2. Applicability

- 2.1 This Policy applies to all employees working for the Council, including those working from home or at non-Council locations.
- 2.2 This Policy has been the subject of consultation with Heads of Service and Trade Unions and has been ratified by the Council's Corporate Board.

## 3. Policy

- 3.1 It is the Policy of the Council to ensure that every employee who is experiencing, or has experienced, domestic abuse or violence;
  - 3.1.1 Is able to raise the issue with their manager in the knowledge that the Council will treat the matter sympathetically, confidentially and effectively.
  - 3.1.2 Is able to access support from the Council as their employer including, where appropriate;
    - Additional paid or unpaid leave
    - Flexible working arrangements
    - Access to the Council's occupational health service or confidential counselling service.
  - 3.1.3 As far as possible, is safe at work from the perpetrator or abuser;
  - 3.1.4 Is not subject to discrimination at work as a result of experiencing or disclosing the abuse.
- 3.2 The Council will ensure that guidance and training are provided to managers to be able to support employees who are experiencing domestic violence or abuse.
- 3.3 All employees are expected to abide by the Council's Code of Conduct and Disciplinary Rules. Bullying, harassment and violence at work are all potential disciplinary offences and will be investigated under the terms of the Disciplinary Procedure, which could result in disciplinary action including dismissal.
- 3.4 Employees who are charged with criminal offences outside work related to domestic violence or abuse may be investigated under the terms of the Disciplinary Procedure, which could result in disciplinary action including dismissal.

#### 4. **Definition**

4.1 Domestic abuse is any incident of threatening behaviour, violence or abuse between adults who are or have been in a relationship together, or between family members, regardless of gender or sexuality.

4.2 This includes issues of concern to black and minority ethnic (BME) communities such as so called 'honour based violence', female genital mutilation (FGM) and forced marriage.

4.3 Family members can be defined as mother, father, son, daughter, brother, sister, and grandparents, whether directly related, in laws or stepfamily.

#### 5. **Implementation**

5.1 This Policy is supported and implemented by [Guidance for Managers](#) (see appendix).

5.2 Half day Domestic Violence/Abuse Awareness (Level 1) sessions are included in the [Social Care and Corporate Training Programme](#) and are open to all employees.

#### 6. **Roles and Responsibilities**

6.1 The overall responsibility for this policy within WBC rests with Human Resources. HR are also responsible for maintaining this Policy, for reviewing all related policies and procedures and for providing advice and guidance on their implementation.

6.2 The responsibility for day-to-day management of this policy throughout West Berkshire Council rests with Heads of Service.

6.3 All managers are directly responsible for implementing this Policy within their service areas, and for the adherence of their staff and others.

#### 7. **Review**

7.1 This policy will be reviewed to respond to any changes and at least every 3 years.

#### 8. **Other Relevant Documentation**

- Guidance for Managers – Domestic Violence Against Employees
- Additional Leave Procedure
- [Avoiding Bullying and Harassment at Work Guidance](#)
- [Domestic Abuse Leaflet](#)
- [Domestic Violence and Abuse - Directory of Services](#)
- [Friends and Family Domestic Abuse Leaflet](#)

|  |                 |         |
|--|-----------------|---------|
| <h2>Domestic Abuse (Staff) – Guidance for Employees</h2> | Reference:      | HRDA002 |
|  | Version No:     | 1.0     |
|  | Issue Date:     | *       |
|  | Classification: | *       |

### Document Control

|                                   |                  |                |          |
|-----------------------------------|------------------|----------------|----------|
| Document Ref:                     | HRDA002          | Date Created:  | Dec 2008 |
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| Revision due                      |                  |                |          |
| Author:                           | Jane Milone      | Sign & Date:   |          |
| Head of Service:                  |                  | Sign & Date:   |          |
| Equality Impact Assessment: (EIA) | Date undertaken: |                |          |
|                                   | Issues (if any): |                |          |

### Change History

| Version | Date | Description | Change ID |
|---------|------|-------------|-----------|
| 0.1     |      |             |           |
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### Related Documents

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ORIGINAL

## **1. Purpose**

- 1.1. This guidance is provided to support employees who are experiencing domestic abuse or violence.

## **2. Applicability**

- 2.1. The guidance applies to all West Berkshire Council employees, and to employees in schools where appropriate. It is based on the West Berkshire Council Domestic Abuse (Staff) Policy which can be found on the Council's website.

## **3. Definition**

- 3.1. Domestic violence is any incident of threatening behaviour, violence or abuse between adults who are or have been in a relationship together, or between family members, regardless of gender or sexuality.
- 3.2. This includes issues of concern to black and minority ethnic (BME) communities such as so called 'honour based violence', female genital mutilation (FGM) and forced marriage.
- 3.3. Family members can be defined as mother, father, son, daughter, brother, sister, and grandparents, whether directly related, in laws or stepfamily.

## **4. Background**

- 4.1. Domestic violence or abuse is an issue which affects all sections of society, and it is therefore important that we have clear and effective responses to help minimise the impact of domestic violence on Council employees.
- 4.2. West Berkshire Council believes that every employee who is experiencing, or has experienced, domestic violence or abuse has a right to raise the issue with their employer, in the knowledge that the Council will treat the matter sympathetically, confidentially and effectively.

## **5. The Role of your Manager**

- 5.1. If you are experiencing domestic violence, you can approach your manager with problems in the first instance.
- 5.2. Your manager should take a sensitive approach and ensure you are offered support as this may mean that you are able to deal with the situation more effectively.
- 5.3. If you do wish to discuss domestic violence with your manager, he/she should:
  - Ensure discussions take place in privacy and are confidential as far as possible;
  - Take you seriously, taking time to listen, believe what you say and ensuring a non judgmental approach;
  - Understand that you may wish to involve a third party, such as a colleague, trade union representative, or friend, rather than speak to your line manager;
  - Be aware that there may be additional issues facing you because of your age, gender, sexuality, ethnic background, race or disability;
  - Explore what support is available, explore options, and support up in whatever you decide to do.

5.4. You may prefer to contact;

- The Human Resources Operations team directly to seek a referral to the Council's confidential counselling service;
- Their trade union representative or the Union Staff Co-ordinator (on 01635 519168);
- The Domestic Violence National Helpline: **0808 2000 247**.

## 6. Safety at Work

- 6.1. The Council, as an employer, has a duty to ensure that its employees are safe at work, including from violence or abuse from colleagues, visitors or others.
- 6.2. Where there is the potential for domestic abuse or violence to occur in the workplace, your manager should assess the risk to you, and to other employees if relevant, and put measures in place to reduce the risk. Your manager should consider the risk of violent partners or ex-partners visiting the workplace, abusive phone calls, or intimidation or harassment by the alleged perpetrator. In some cases, the alleged perpetrator may also be an employee of the Council.
- 6.3. Your manager should consider some of the following practical options (see Section 7), in consultation you, taking into consideration the effects of any of these measures on services.

## 7. Options for Action

- 7.1. Your manager can provide advice on support mechanisms for people being abused and their dependents/families. A list of local and national support agencies and contact points can be found on the [West Berkshire Council - Domestic Violence](http://www.westberks.gov.uk/domestic-violence) website (www.westberks.gov.uk/domestic-violence). Further information can be found on the Directgov website ([www.direct.gov.uk/en/CrimeJusticeAndTheLaw/VictimsOfCrime](http://www.direct.gov.uk/en/CrimeJusticeAndTheLaw/VictimsOfCrime))
- 7.2. Your manager has a duty to maintain a secure environment for all employees. To do this it may be necessary to explore, with you, the possibility of informing colleagues of potential risks. If you agree to this approach, colleagues should be reminded that the information is confidential.
- 7.3. Other options for action include:



- 7.3.1. Improving security measures, such as changing keypad numbers or ensuring that access to buildings is only open to authorised employees and visitors;
- 7.3.2. Reminding all employees, particularly reception and switchboard employees, not to divulge information about other employees, especially personal details such as addresses, telephone numbers or shift patterns;
- 7.3.3. Where reasonably practicable, particularly where the alleged perpetrator is a colleague, consider offering temporary or permanent changes in workplace;
- 7.3.4. Considering work times and patterns, so as to ensure you are less at risk at work, and on your journeys to and from work. This could include changes to the office layout to ensure that you are not visible from reception points or from ground floor windows;
- 7.3.5. Offering changes in specific duties, such as answering phones or working in a reception area or, in exceptional circumstances, seeking another post, if alternative arrangements cannot be easily found;
- 7.3.6. Agreeing what to tell colleagues and how they should respond if the abuser rings or calls at the workplace. Providing colleagues or porters with a photograph of the abuser and other relevant details, such as car registration numbers, may help to maintain security in the workplace;
- 7.3.7. Making sure that the systems for recording your whereabouts during the day are adequate and, if the work requires visits outside the office, considering how risks can be minimised (e.g. changing duties or allowing another colleague to accompany you on certain journeys);
- 7.3.8. Considering requests for alternative working arrangements as covered in the Mobile and Flexible Working Policy.
- 7.3.9. Considering paid or unpaid time off. WBC's Additional Leave Policy allows paid or unpaid leave, at the discretion of the Head of Service, in cases of an unforeseen personal or domestic crisis.
- 7.3.10. Considering changes to payment arrangements because your partner has access to their finances or is applying financial pressure on you, and/or considering changing contact/correspondence address.
- 7.3.11. Considering referral to Occupational Health or to Human Resources for referral to the confidential counselling service.

## **8. Attendance at Court**

- 8.1. If you are summoned as a witness in a criminal court case, you will be granted leave under the Council's Additional Leave Policy. You must claim an allowance from the court for loss of earnings and the Council will make up any difference between that and normal pay.
- 8.2. Additionally if there are circumstances where you are seeking an injunction or order, in cases of violence or harassment, time-off with pay may be considered under the Additional Leave Policy.

## **9. Confidentiality**

- 9.1. Information about employees experiencing and receiving support for domestic violence should remain confidential as far as it is reasonably practicable. **You will be asked whether you agree to your report being recorded for monitoring purposes. This will include an option to make an anonymous report. Reports will be collated confidentially by the HR Manager for Operations.**
- 9.2. Once you have confided to your line manager that you are experiencing domestic abuse or violence, your manager should reassure you that he/she will keep this information confidential, unless there are circumstances that warrant sharing it. This could include where there are child protection issues.
- 9.3. If you give information that suggests that a child is at risk from abuse (whether physical, emotional, sexual or neglect, or as a witness to abuse), your manager should inform you that he/she will be make a referral to the Council's Referral and Assessment Team on 01635 503090.

## **10. Employees who are perpetrators of domestic violence**

- 10.1. All employees are expected to abide by the Council's Code of Conduct and Disciplinary Rules. Bullying, harassment and violence at work are all potential disciplinary offences and will be investigated under the terms of the Disciplinary Procedure, which could result in disciplinary action including dismissal.
- 10.2. Employees who are charged with criminal offences outside work related to domestic violence or abuse may be investigated under the terms of the Disciplinary Procedure, and could result in disciplinary action including dismissal.

## **11. Further information**

- 11.1. WBC Domestic Abuse Forum have produced the following documents;
  - Domestic Violence Leaflet
  - Domestic Violence and Abuse Directory of Services
  - Friends and Family Domestic Abuse Leaflet
- 11.2. These can be accessed on the internet at [www.westberks.gov.uk/domesticviolence](http://www.westberks.gov.uk/domesticviolence). The website contains many other links to helpful organisations including;

|   |                 |         |
|---|-----------------|---------|
| <h1>Domestic Abuse (Staff) –<br/>Guidance for Managers</h1> | Reference:      | HRDA002 |
|   | Version No:     | 1.0     |
|   | Issue Date:     | *       |
|   | Classification: | *       |

## Document Control

|                                   |                  |                |                                |
|-----------------------------------|------------------|----------------|--------------------------------|
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| Head of Service:                  |                  | Sign & Date:   |                                |
| Equality Impact Assessment: (EIA) | Date undertaken: |                |                                |
|                                   | Issues (if any): |                |                                |

## Change History

| Version | Date | Description | Change ID |
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| 0.1     |      |             |           |
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## Related Documents

| Reference | Title    | Tier |
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ORIGINAL

## **1. Purpose**

- 1.1. This guidance is provided to support managers where employees are experiencing domestic abuse or violence.

## **2. Applicability**

- 2.1. The guidance applies to all West Berkshire Council managers, and to managers in schools where appropriate. It is based on the West Berkshire Council Domestic Abuse (Staff) Policy which can be found on the Council's website.

## **3. Definition**

- 3.1. Domestic violence is any incident of threatening behaviour, violence or abuse between adults who are or have been in a relationship together, or between family members, regardless of gender or sexuality.
- 3.2. This includes issues of concern to black and minority ethnic (BME) communities such as so called 'honour based violence', female genital mutilation (FGM) and forced marriage.
- 3.3. Family members can be defined as mother, father, son, daughter, brother, sister, and grandparents, whether directly related, in laws or stepfamily.

## **4. Background**

- 4.1. Domestic violence or abuse is not just a service delivery issue. It is an issue which affects all sections of society, and it is therefore important that we have clear and effective responses to help minimise the impact of domestic violence on Council employees.
- 4.2. West Berkshire Council believes that every employee who is experiencing, or has experienced, domestic violence or abuse has a right to raise the issue with their employer, in the knowledge that the Council will treat the matter sympathetically, confidentially and effectively.

## **5. The Manager's Role**

- 5.1. Employees who are experiencing domestic violence may not feel able to tell people at work of their situation or approach their manager with problems in the first instance. However, you may become aware of the situation as a result of other issues such as frequent absence from work, poor performance or an employee's partner frequently contacting them at work. In these circumstances, you should consider if domestic abuse may be an underlying cause and take this into account when dealing with the situation.
- 5.2. If an employee discloses domestic abuse or violence to you, it is important to take a sensitive approach and ensure the employee is offered support. Offering appropriate support may mean that the employee is able to deal with the situation more effectively.
- 5.3. When dealing with a report of domestic violence from an employee, as a manager you should:

- Ensure discussions take place in privacy and are confidential as far as possible;
- Take the employee seriously, taking time to listen to them, believing what they tell you and ensuring a non judgmental approach;
- Understand that an employee may wish to involve a third party, such as a colleague, trade union representative, or friend, rather than speak to their line manager;
- Be aware that there may be additional issues facing the employee because of their age, gender, sexuality, ethnic background, race or disability;
- Explore what support is available, explore options, and support the employee in whatever they then decide to do.

5.4. If you feel you require additional guidance and support on how to deal with a case of domestic violence reported to you, please contact the HR Operations Advice Line for Managers on 01635 503033. If you think a child or young person is suffering harm, or is at risk of harm, you can contact the Referral and Assessment team on 01635 503090.

5.5. Employees may prefer to contact;

- The Human Resources Operations team directly to seek a referral to the Council's confidential counselling service;
- Their trade union representative or the Union Staff Co-ordinator (on 01635 519168);
- The Domestic Violence National Helpline: **0808 2000 247**.

## 6. Safety at Work

6.1. The main responsibilities of employers and employees for the health and safety of people at work are defined by the Health and Safety at Work Act 1974 and the Management of Health and Safety at Work Regulations 1999. The Council, as an employer, has a duty to ensure that its employees are safe at work, including from violence or abuse from colleagues, visitors or others.

6.2. Where there is the potential for domestic abuse or violence to occur in the workplace, managers should assess the risk to the employee, and to other employees if relevant, and put measures in place to reduce the risk. The manager should consider the risk of violent partners or ex-partners visiting the workplace, abusive phone calls, or intimidation or harassment of an employee by the alleged perpetrator. In some cases, the alleged perpetrator may also be an employee of the Council.

6.3. Managers should consider some of the following practical options, in consultation with the employee, taking into consideration the effects of any of these measures on services. Managers should record any discussion with the employee in confidential supervision notes, including any mutually agreed actions (see below).

## 7. Options for Action

7.1. Managers can provide advice on support mechanisms for employees being abused and their dependents/families. A list of local and national support agencies and contact points can be found on the [West Berkshire Council - Domestic Violence](http://www.westberks.gov.uk/domestic-violence) website ([www.westberks.gov.uk/domestic-violence](http://www.westberks.gov.uk/domestic-violence)). Further information can be found on the Directgov website ([www.direct.gov.uk/en/CrimeJusticeAndTheLaw/VictimsOfCrime](http://www.direct.gov.uk/en/CrimeJusticeAndTheLaw/VictimsOfCrime))

- 7.2. Managers have a duty to maintain a secure environment for all employees. To do this it may be necessary to explore, with the employee concerned, the possibility of informing colleagues of potential risks. If the employee agrees to this approach, colleagues should be reminded that the information is confidential.
- 7.3. Other options for action include:

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- 7.3.1. Improving security measures, such as changing keypad numbers or ensuring that access to buildings is only open to authorised employees and visitors;
- 7.3.2. Reminding all employees, particularly reception and switchboard employees, not to divulge information about other employees, especially personal details such as addresses, telephone numbers or shift patterns;
- 7.3.3. Where reasonably practicable, particularly where the alleged perpetrator is a colleague, consider offering temporary or permanent changes in workplace;
- 7.3.4. Considering work times and patterns, so as to ensure the employee is less at risk at work, and on their journeys to and from work. This could include changes to the office layout to ensure that the employee is not visible from reception points or from ground floor windows;
- 7.3.5. Offering changes in specific duties, such as answering phones or working in a reception area or, in exceptional circumstances, seeking another post, if alternative arrangements cannot be easily found;
- 7.3.6. Agreeing what to tell colleagues and how they should respond if the abuser rings or calls at the workplace. Providing colleagues or porters with a photograph of the abuser and other relevant details, such as car registration numbers, may help to maintain security in the workplace;
- 7.3.7. Making sure that the systems for recording employee whereabouts during the day are adequate and, if the work requires visits outside the office, considering how risks can be minimised (e.g. changing duties or allowing another colleague to accompany them on certain journeys);
- 7.3.8. Considering requests for alternative working arrangements as covered in the Mobile and Flexible Working Policy.
- 7.3.9. Considering paid or unpaid time off for employees who have disclosed that they are experiencing domestic violence. WBC's Additional Leave Policy allows paid or unpaid leave, at the discretion of the Head of Service, in cases of an unforeseen personal or domestic crisis.
- 7.3.10. Considering changes to payment arrangements because their partner has access to their finances or is applying financial pressure on them and/or considering changing contact/correspondence address.
- 7.3.11. Considering referral to Occupational Health or to Human Resources for referral to the confidential counselling service.

## **8. Recording Incidents at Work**

- 8.1. All incidents of violence or threatening behaviour in the workplace, including persistent phone calls, e-mails or visits to an employee by the alleged perpetrator should be recorded on the Council's [WebRisk](#) system. The Council has a statutory duty to maintain a safe place of work, which necessitates the need to monitor and record all such incidents. You should also record witnesses to these.
- 8.2. Records of incidents could be used if the employee wants to press charges or apply for an injunction against the alleged perpetrator. The Council could assist an



employee to apply for an injunction if the actions of an alleged perpetrator affect the health and safety of that employee.

## **9. Attendance at Court**

- 9.1. Under the Council's Additional Leave Policy, an employee summoned as a witness in a criminal court case will be granted leave. The employee must claim an allowance from the court for loss of earnings and the Council will make up any difference between that and normal pay.
- 9.2. Additionally if there are circumstances where an employee is seeking an injunction or order, in cases of violence or harassment, time-off with pay may be considered under the Additional Leave Policy.
- 9.3. Any absences or applications for additional leave should be recorded by managers in accordance with normal Council procedures once permission of the Head of Service has been granted.

## **10. Confidentiality**

- 10.1. Information about employees experiencing and receiving support for domestic violence should remain confidential as far as it is reasonably practicable. Those experiencing domestic violence will be asked whether they agree to their report being recorded for monitoring purposes. This will include an option to make an anonymous report. Reports will be collated confidentially by the HR Manager for Operations.
- 10.2. Once an employee has confided to their line manager that they are experiencing domestic abuse or violence, the manager should reassure them that they will keep this information confidential, unless there are circumstances that warrant sharing it. This could include where there are child protection issues.
- 10.3. If an employee gives information that suggests that a child is at risk from abuse (whether physical, emotional, sexual or neglect, or as a witness to abuse), the manager should inform the employee that they will make a referral to the Council's Referral and Assessment Team on 01635 503090.

## **11. Employees who are perpetrators of domestic violence**

- 11.1. The issues surrounding domestic violence can be complex and advice should be sought from the Human Resources Operations Team if an alleged perpetrator is an employee.
- 11.2. All employees are expected to abide by the Council's Code of Conduct and Disciplinary Rules. Bullying, harassment and violence at work are all potential disciplinary offences and will be investigated under the terms of the Disciplinary Procedure, which could result in disciplinary action including dismissal.
- 11.3. Employees who are charged with criminal offences outside work related to domestic violence or abuse may be investigated under the terms of the Disciplinary Procedure, and could result in disciplinary action including dismissal.

## 12. Further information

12.1. WBC Domestic Abuse Forum have produced the following documents;

- Domestic Violence Leaflet
- Domestic Violence and Abuse Directory of Services
- Friends and Family Domestic Abuse Leaflet

12.2. These can be accessed on the internet at [www.westberks.gov.uk/domesticviolence](http://www.westberks.gov.uk/domesticviolence). The website contains many other links to helpful organisations.

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|                                    |  |               |
|------------------------------------|--|---------------|
| <b>Title of Report:</b>            | <b>Alcohol and Substance Misuse Policy</b> | <b>Item 5</b> |
| <b>Report to be considered by:</b> | Personnel                                  |               |
| <b>Date of Meeting:</b>            | 26 February 2010                           |               |

**Purpose of Report:** To seek approval for the draft alcohol and substance misuse policy which explains the Council's approach to incidents of misuse of alcohol and drugs by employees where there is an impact upon the activities of the Council.

**Recommended Action:** Personnel Committee is recommended to approve the policy.

**Reason for decision to be taken:** Managers have requested that HR produce a policy and advice to support them in managing such situations.

**Other options considered:** not applicable

**Key background documentation:**

The proposals will also help achieve the following Council Plan Theme(s):

**CPT14 - Effective People**

The proposals contained in this report will help to achieve the above Council Plan Priorities and Themes by:

Ensuring that incidents of alcohol and/or substance misuse by employees that could affect service delivery and/or the health and safety of employees are effectively managed, whilst taking reasonable steps to support employees seeking to overcome addictions.

**Portfolio Member Details**

|   |   |
|---|---|
| <b>Name &amp; Telephone No.:</b>            | Councillor Anthony Stansfeld - Tel (01488) 658238 |
| <b>E-mail Address:</b>                      | astansfeld@westberks.gov.uk                       |
| <b>Date Portfolio Member agreed report:</b> |   |

**Contact Officer Details**

|                        |                              |
|------------------------|------------------------------|
| <b>Name:</b>           | Katie Penlington             |
| <b>Job Title:</b>      | H R Officer                  |
| <b>Tel. No.:</b>       | 01635 519325                 |
| <b>E-mail Address:</b> | kpenlington@westberks.gov.uk |

## **Implications**

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|                                      |  |
|--------------------------------------|--|
| <b>Policy:</b>                       | Alcohol and Substance Misuse Policy  |
| <b>Financial:</b>                    | There are no financial implications arising from this report   |
| <b>Personnel:</b>                    | This policy provides guidance on the management of employees who are affected by the consumption of alcohol or drugs at work |
| <b>Legal/Procurement:</b>            | n/a  |
| <b>Property:</b>                     | n/a  |
| <b>Risk Management:</b>              | This policy and advice will reduce the risk to the council by addressing the impact of alcohol and drug misuse at work       |
| <b>Equalities Impact Assessment:</b> | November 2009  |

# Executive Summary and Report

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## 1. Introduction

- 1.1 Alcohol and substance misuse by employees can have a detrimental impact upon the Council's ability to provide services and can have implications for the health and safety of its employees and those affected by its activities.
- 1.2 Addiction to alcohol and/or other substances is an illness. The Council should take reasonable steps to support employees who are willing to seek treatment to overcome an addiction, where the impact on their working lives can be removed or reduced.

## 2. Proposals

- 2.1 The proposed policy provides an approach to managing cases of alcohol and substance misuse which are affecting employees at work. It states the Council's standards relating to alcohol, drug and substance abuse and is accompanied by guidance for managers to support them in implementing the policy.
- 2.2 The policy states that being unfit for work due to the use of alcohol or other intoxicants is classed as misconduct, and in certain circumstances gross misconduct, and will normally be handled under the Council's Disciplinary Procedure.
- 2.3 The policy expresses the Council's intention to support employees with addictions to overcome them, where it is reasonable to do so.

## 3. Conclusion

- 3.1 Personnel Committee is requested to approve the Alcohol and Substance Misuse Policy.

## Appendices

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Appendix A – the Alcohol and Substance Misuse Policy

## Consultees

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**Local Stakeholders:** n/a

**Officers Consulted:** The HR management consultation group  
HR Operations team

**Trade Union:** Unison and GMB

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# Alcohol and Substance Misuse Policy

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## Document Control

|  |                  |                         |               |
|--|------------------|-------------------------|---------------|
| <b>Document Ref:</b>                     | HRDAM001         | <b>Date Created:</b>    | December 2009 |
| <b>Version:</b>                          | 1.0              | <b>Date Modified:</b>   |               |
| <b>Revision due</b>                      | December 2012    |                         |               |
| <b>Author:</b>                           | Katie Penlington | <b>Sign &amp; Date:</b> |               |
| <b>Owning Service</b>                    | Human Resources  |                         |               |
| <b>Equality Impact Assessment: (EIA)</b> | Date undertaken: |                         |               |
|  | Issues (if any): |                         |               |

|   |              |  |
|---|--------------|--|
| <b>Chief Executive</b>                                  | Sign & Date: |  |
| <b>Corporate Director (Community Services)</b>          | Sign & Date: |  |
| <b>Corporate Director (Children &amp; Young People)</b> | Sign & Date: |  |
| <b>Corporate Director (Environment)</b>                 | Sign & Date: |  |

## Change History

| Version | Date | Description | Change ID |
|---------|------|-------------|-----------|
| 1       |      |             |           |
| 2       |      |             |           |
| 3       |      |             |           |

*This Policy is not for publication externally*

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## 1. Purpose

- 1.1 This policy sets out the Council's approach to identifying and managing alcohol and substance misuse related problems within its workforce to ensure that they are handled in a fair and consistent way, whilst ensuring effective service delivery and protecting the health and safety of employees, service users and the public.
- 1.2 This document consists of:
- A policy statement which sets out the Council's approach to managing alcohol and substance abuse ([Sections 3-8](#)).
  - Council standards relating to alcohol, drug and substance abuse in the workplace ([section 9](#)).
  - Guidance to be followed when managing incidents of alcohol or substance abuse ([section 10](#)).

## 2. Applicability

- 2.1 This Policy applies to all non-school based employees of the Council, including those working from home or at non-Council locations.
- 2.2 Schools may choose to adopt this policy .
- 2.3 This document is published on the Human Resources pages of the intranet.
- 2.4 *The Policy has had consultation with Heads of Service and Trade Unions and has been ratified by the Council's Corporate Board. Personnel Committee has approved the Alcohol and Substance Misuse Policy.*

## 3. Policy

- 3.1 The Council is committed to ensuring the health, safety and welfare of its employees and those affected by its activities. The Council will take reasonable steps to minimise the risk of injuries and/or incidents at work resulting from the misuse of alcohol, drugs and/or other intoxicating substances by its employees.
- 3.2 Employees are expected to ensure that their behaviour and performance at work is not affected by the consumption of alcohol, illegal drugs or by the misuse of other substances.
- 3.3 The Council recognises that dependence upon alcohol, illegal drugs or the misuse of other substances may be an illness and aims to support employees in overcoming such dependencies where it is reasonable to do so.
- 3.4 Where an employee's performance or attendance is below the expected standard as a result of his/her alcohol, drug or substance misuse it may be handled using the performance management or management of sickness absence procedure as appropriate.
- 3.5 Where intoxication or consumption of alcohol or other substances breaches the Council's disciplinary rules, this will normally be dealt with under the Disciplinary Procedure (see 4 below).



#### **4. Misconduct and gross misconduct in relation to alcohol and drugs**

- 4.1 Being unfit for duty due to the use of alcohol or other intoxicants, or consuming these whilst at work is a breach of the Council's disciplinary rules and will normally be handled as misconduct under the [Disciplinary Procedure](#).
- 4.2 The consumption of alcohol or the taking of drugs or intoxicating substances in circumstances where;
- 4.2.1 it could constitute a health and safety hazard;
  - 4.2.2 it would be a breach of a position of responsibility and trust; or
  - 4.2.3 it contravenes specific area rules;
- is a serious breach of the Council's disciplinary rules and will normally be handled as gross misconduct under the [Disciplinary Procedure](#).
- 4.3 The guidance in section 9 below gives details of the standards expected from employees in relation to the consumption of alcohol and the misuse of drugs. Breaches of these standards will be regarded as breaches of the Council's Disciplinary Rules and/or the Code of Conduct for employees, and handled as misconduct or gross misconduct as appropriate – see the definitions below.
- 4.4 *Misconduct involves an employee breaking specific rules about behaviour or conduct. It is conduct that falls below expected standards. There may also be occasions when negligence or failure to act amounts to misconduct.*
- 4.5 *Gross misconduct is very serious misconduct that repudiates the contract of employment and will normally lead to dismissal without notice or pay in lieu of notice (summary dismissal).*

#### **5. Implementation**

- 5.1 The Alcohol and Substance Misuse Policy is supported by the attached standards and guidance notes.

#### **6. Roles and Responsibilities**

- 6.1 The overall responsibility for the Alcohol and Substance Misuse Policy within WBC rests with the Chief Executive.
- 6.2 The responsibility for day-to-day management of alcohol and substance misuse throughout West Berkshire Council rests with Corporate Directors and Heads of Service and line managers.
- 6.3 All managers are directly responsible for implementing this Policy within their service areas and for ensuring that the safety of employees, service users and others affected by its activities.
- 6.4 All personnel detailed at 2.1. have an individual responsibility to familiarise themselves with and adhere to this Policy.

## **7. Failure to comply with WBC Alcohol and Substance Misuse Policy**

7.1 Failure to comply with the alcohol and substance misuse policy may result in:

- Informal disciplinary processes
- Formal disciplinary action (in accordance with the Disciplinary Procedure)
- Formal action under the Management of Sickness Absence Procedure.

7.2 Additionally if, after internal investigation, a criminal offence is suspected, the Council may contact the police or other appropriate enforcement authority to investigate whether a criminal offence has been committed.

## **8. Review**

8.1 This policy will be reviewed to respond to any changes in legislation and at least every 3 years.

8.2 The Service responsible for reviewing and maintaining this Policy is Human Resources.

**The section above is the policy and standards of the Council.**

**The following sections provides the standards and guidance that should be followed when handling cases covered by the policy.**

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## 9. The Council's standards on alcohol, drug and substance abuse in the workplace

- 9.1 The Council prohibits the drinking of alcohol by employees in the workplace or on Council business other than reasonable drinking of alcohol in connection with approved social functions. The Council regards drinking to an 'unacceptable level' as any of the following situations:
- The individual is over the legal limit stipulated for driving (ie 35mcg/100ml of breath alcohol concentration)
  - Management has a reasonable belief that the individual's performance is impaired. This may be at less than the legal limit stipulated for driving.
  - Management has a reasonable belief that the individual's performance or behaviour poses a risk to his/her health, safety or welfare, or to that of other employees, service users or others affected by the Council's activities
  - Management has a reasonable belief that the individual's behaviour may cause embarrassment, distress or offence to others
  - The individual continues to drink when instructed to stop by a manager
- 9.2 A no alcohol policy during working hours exists in some Council services and must be complied with. Managers will inform employees if this applies to them. A list of specific service areas where this applies can be found at Appendix 1.
- 9.3 No employee shall, in connection with any work-related activity:
- Report, or try to report, for duty having consumed drugs, alcohol or other substances likely to render him/her unfit and/or unsafe for work
  - Consume or be under the influence of illegal drugs, prescription drugs that have not been prescribed to him/her, alcohol or other intoxicating substances at work (except, in the case of alcohol, in line with point 8.1 above)
  - Store alcohol in **unsealed** containers, or illegal drugs in personal areas such as lockers or desk drawers.
  - Attempt to sell or give drugs (except the authorised issue of prescribed drugs to a service user) or alcohol (except where alcohol is being offered by staff to service users during a social event such as a Christmas party or cheese and wine evening) to any other employee, service user or other person on Council premises and/or whilst at work.
- 9.4 Employees must inform their line managers if they are taking any prescribed or over-the counter medication that may have an effect upon their ability to carry out their work safely. Employees may be advised not to attend work whilst taking medication that causes drowsiness.
- 9.5 The Council will take reasonable steps to prevent employees carrying out work-related activities if they are considered to be unfit/unsafe to undertake their work as a result of alcohol abuse or substance misuse. This may include requiring an employee not to attend work for a specified period or requiring an employee who is receiving treatment for a dependency to be temporarily reassigned to other duties.

## 10. Guidance

### 10.1 Risks involved in alcohol, drug and/or substance abuse at work:

- 10.1.1 Consumption/use of alcohol, illegal drugs and/or other intoxicating substances can lead to serious workplace safety hazards, impaired judgement and reactions, and increase the risk of an accident occurring.
- 10.1.2 It is a criminal offence to be in possession of, use or distribute an illegal substance. If such incidences take place on Council premises, in Council vehicles or at a Council function, they will be regarded as serious, will be investigated by the Council, may lead to disciplinary action and will be reported to the police.
- 10.1.3 Under the Health and Safety at Work Act 1974 the Council has a duty to ensure the health, safety and welfare of its employees. The Council may be liable for charges where an employee is allowed to continue to work where they are known to be under the influence of alcohol, illegal drugs or other intoxicating substances, where this places them or others at risk.
- 10.1.4 The Misuse of Drugs Act 1971 makes it an offence for the occupier of premises to permit the production, supply or possession of controlled drugs, or to allow the smoking of cannabis on the premises.
- 10.1.5 The Road Traffic Act 1988 states that it is unlawful for anyone to drive or be in charge of a motor vehicle whilst unfit through drink or drugs.

### 10.2 The signs of alcohol, drug and/or substance abuse

10.2.1 Signs of inappropriate consumption/use of alcohol, illegal drugs and/or other substances can include:

- Poor time-keeping
- High levels of sickness absence
- Erratic behaviour
- Mood swings
- Violence
- Confusion
- Smell of alcohol on the breath
- Repeated injury at or outside work e.g. cuts, grazes, falls
- Repeating sentences or ideas or memory recall problems
- Frequent absence, especially either side of weekends/non-rotated days
- Sweats, shakes
- Reduced work performance
- Unprofessional and/or uninhibited behaviour

This list is not exhaustive.

### 10.3 Managing suspected cases of alcohol, drug and/or substance abuse

- 10.3.1 Where an employee has an **isolated** instance of coming to work under the influence of alcohol, illegal drugs and/or other intoxicating substances he/she should be sent home for the remainder of his/her shift and where appropriate advised to seek advice from his/her GP. The employee's line manager should ensure that the employee can get home safely. The manager should consider whether it is appropriate in the circumstances of the incidence to investigate with a view to taking formal disciplinary action.
- 10.3.2 The Council aims to support employees undertaking treatment for dependency where reasonable to do so. (See section 9.4 below)
- 10.3.3 If an employee's behaviour is proving disruptive and/or performance is suffering his/her manager should arrange a confidential conversation to identify underlying problems. It is important to remember that there may be many other possible causes of the behaviour listed in point 9.2.1 above and managers should be sensitive and supportive when raising these issues. Meetings should not be held while the employee is still under the influence.
- 10.3.4 Where an employee admits that his/her attendance, performance or conduct is being adversely affected by his/her consumption managers will normally handle the matter under the Managing Sickness Absence, Performance Capability or Disciplinary Procedure as appropriate to the circumstances of the case. Where reasonable, the employee will be allowed a specified period of time to undertake treatment. Where action is being undertaken under the disciplinary procedure the procedure may be suspended during treatment on the basis that it will be reconvened if the agreed course of treatment is not completed or if the problem re-occurs. Further advice should be sought from HR.
- 10.3.5 Where the employee denies that he/she has a dependency, or refuses help or treatment managers should handle the matter under the Disciplinary, Performance Management or Management of Sickness Absence Procedure as appropriate to the circumstances of the case.
- 10.3.6 Where an employee is known/suspected of taking or dealing drugs outside work and they are in a position of trust e.g. a youth worker the line manager should talk to HR for advice about whether there has been a potential breach of the disciplinary rules.
- 10.3.7 Where an employee, who is required to drive as part of his/her job, is convicted of a criminal offence of driving under the influence the employee's line manager will need to consider the impact that this has upon the employee's ability to do his/her job and take appropriate action. Further advice can be sought from Human Resources.

#### 10.4 **Employees seeking help for dependency**

- 10.4.1 The Council aims to support employees undertaking treatment for dependency where reasonable to do so. The Council will treat reasonable absences for advice and treatment of a dependency as sick

leave provided that the employee regularly informs the Council of his/her progress and genuinely attempts to overcome the dependency.

- 10.4.2 An employee who is concerned that he/she may have a dependency upon alcohol, illegal drugs or the misuse of other substances should be encouraged to seek help and advice from his/her General Practitioner.
- 10.4.3 If in the course of day to day management, or through the use of a formal procedure there is evidence that an employee is dependent upon alcohol, illegal drugs or the misuse of other substances, the Council may arrange for the employee to attend an appointment with Occupational Health. Occupational Health will be asked to advise upon the employee's condition, options for treatment and his/her suitability to fulfil the requirements of his/her job. Where the employee's dependency is confirmed the employee's manager should decide whether it is appropriate to support the employee whilst he/she receives treatment to overcome the dependency.
- 10.4.4 The employee's line manager should carry out a risk assessment and consider how any risks can be minimised. This may, for example, involve amending the employee's duties or assigning him/her to another role during treatment.
- 10.4.5 Where risks cannot reasonably be minimised to an acceptable level the employee's dependency will be taken into account but may not necessarily prevent appropriate action, including the decision to dismiss, being taken.
- 10.4.6 If the employee stops his/her treatment or where there is not an acceptable improvement in behaviour and/or work performance further action will be taken. This may result in the termination of employment.
- 10.4.7 If an employee relapses following treatment the line manager should decide whether the service can allow a further period of support or whether to move to handling it under a formal procedure. Further advice should be sought from HR.
- 10.4.8 The Council will treat information relating to an employee's dependency as confidential as appropriate.

# Glossary

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HR – Human Resources

## Definition of terms used within this document:

**Dependency** – refers to a dependency upon alcohol, illegal drugs and/or the misuse of other substances.

**Under the influence** – refers to being under the influence of upon alcohol, illegal drugs and/or the misuse of other substances.

**Consumption** – refers to the consumption of alcohol, drugs or other substances

**Substances** – are defined as any substance that affects the way the body functions physically, emotionally or emotionally.

**Misuse** – is defined as any use that harms social or physical functioning.

## Other Relevant Documentation

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The Disciplinary Rules  
The Disciplinary Procedure  
The Performance Capability Procedure  
The Management of Sickness Absence Procedure

## Sources of Further Support

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[Alcoholics Anonymous](#): Free self help group for people who acknowledge that they can not handle alcohol and want a new way of life without it.

[Narcotics Anonymous](#): Free self help group for people wanting to stop using drugs.

[Drinkline](#): a government funded free service. Can provide advice to the alcohol drinker or anyone concerned about him/her. Has a database of local support and treatment services.

[Talk to FRANK](#): a government funded free service. Provides advice to the drug user or anyone concerned about him/her. Has a database of local support and treatment services.

[Cocaine Anonymous](#) – a national self help group for cocaine users.

[Adfam](#) – works with and on behalf of families affected by drug and alcohol problems.

The [Home Office](#) website includes a contact list of drug and alcohol action teams responsible for co-ordinating drug and alcohol treatment services in each local authority area. These local teams can advise on which specific treatment agency the alcohol/drug user should approach in their local area.