



**Alcohol,
Substance Misuse
& Smoking
Policy**
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Regulatory Standards Mapping		
✓	1	The governing body leads and directs the RSL to achieve good outcomes for its tenants and other service users.
	2	The RSL is open about and accountable for what it does. It understands and takes account of the needs and priorities of its tenants, service users and stakeholders. And its primary focus is the sustainable achievement of these priorities.
	3	The RSL manages its resources to ensure its financial well-being, while maintaining rents at a level that tenants can afford to pay.
	4	The governing body bases its decisions on good quality information and advice and identifies and mitigates risks to the organisation's purpose.
✓	5	The RSL conducts its affairs with honesty and integrity.
	6	The governing body and senior officers have the skills and knowledge they need to be effective.
	7	The RSL ensures that any organisational changes or disposals it makes safeguard the interests of, and benefit, current and future tenants.

Core Objective Mapping	
	Provision of affordable social housing
	Local control and accountability
✓	Efficient local service provision
	Viability
	Equality of opportunity for all customers
✓	Legal and regulatory compliance

Governance

HR

Property

Housing &
Factoring

Finance & IT

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Introduction

Overview

- 1.1 This policy has been devised to assist Yorkhill Housing Association in managing situations of alcohol and substance misuse affecting the employee's ability to carry out their duties. Yorkhill Housing Association has a duty to provide high service standards of at all times and it is acknowledged that alcohol and substance misuse is likely to have an adverse effect on this.
- 1.2 This policy will set out Yorkhill Housing Association's standards and expectations in relation to alcohol and substance misuse and the level of support that will be offered should such a situation arise.
- 1.3 Yorkhill recognises, as an employer, it has a duty under the Smoking, Health and Social Care (Scotland) Act 2005, the Health and Safety at Work Act 1974 and Workplace (Health, Safety and Welfare) Regulations 1992, to ensure, so far as is reasonably practicable, that its working environment for all employees is healthy and safe.

Policy Aims

- Clarify Yorkhill Housing Association's position on ongoing alcohol and/or substances misuse at work whilst on duty
- Explain Yorkhill Housing Association's position on illegal activity concerning alcohol and substance misuse.
- Provide guidance and boundaries on appropriate assistance and support to employees being affected by alcohol or substance misuse.
- Adhere to the legal obligations of Yorkhill Housing Association's as set out under Health & Safety legislation.
- Clarify the circumstances in which disciplinary procedures will be instigated.
- Provide guidance for managers to manage alcohol and substance misuse.
- Clarify the distinction between dependent and non-dependent misuse of alcohol or substances.
- Ensure all employees, workers, agency staff, consultants, customers, visitors, staff from other agencies, governing body members and members of the public, air free of tobacco smoke and electronic cigarette vapor within all premises of Yorkhill Housing Association.
- Prohibits smoking or use of electronic cigarettes throughout all work premises and any work vehicles.
- Defines how Yorkhill Housing Association will manage anyone in breach of this policy.
- Support employees who smoke in their cessation effort.

Definitions

1.4 For the purposes of this policy the following definitions apply:

- **Alcohol Misuse:** when a person drinks in a way that is harmful, or they are dependent on alcohol. (www.nhs.uk)
- **Substance Misuse:** Intoxication by/or regular excessive consumption of and/or dependence on psychoactive substances, leading to social, psychological, physical or legal problems. It includes problematic use of both legal and illegal drugs (including alcohol when used in combination with other substances) www.nice.org.uk
- **Smoking** is the act of using any lit tobacco or similar substance that burns and produces smoke, such as a cigarette, cigar, pipe, or herbal smoking product.
- **An electronic cigarette (e cigarette or vape)** is a device that heats a liquid to create a warm aerosol mist, which may contain nicotine and is inhaled to mimic the sensation and flavour of smoking, without involving combustion.
- **Enclosed premises** refers to any space that has a roof and is surrounded by walls to the extent that it is considered indoors whether the walls are permanent or temporary.
- **A workplace/company vehicle** is any vehicle used for work purposes, can be used by one or more people, even if they do not use it at the same time, such as a shared company car or van.
- **Designated smoking area** - a controlled environment where individuals who choose to smoke/use electronic cigarettes can do so without negatively impacting others or violating smoking regulations.

Connected Policies

1.5 The following policies are connected with the Alcohol & Substance Misuse Policy and may have some relevant or associated content:

- Attendance & Absence Management Policy
- Occupational Driving Policy
- Recruitment Selection and Employment References Policy
- Staff Code of Conduct
- Terms & Conditions of Employment
- Data Protection Policy

Disciplinary Procedures

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

Legal Framework

- Health & Safety at Work Act 1974
- Misuse of Drugs Act 1971
- Prohibition of Smoking in Certain Premises (Scotland) Regulations 2006
- Smoking, Health and Social Care (Scotland) Act 2005
- Workplace (Health, Safety and Welfare) Regulations 1992

Health & Safety

Alcohol & Substance Misuse

- 4.1 Yorkhill Housing Association recognises its duty under the Health & Safety at Work Act 1974 to ensure as far as is reasonably practical the physical and psychological health, safety and wellbeing of all employees. If it is felt that an individual poses a risk to the health, safety or wellbeing of themselves or anyone else as a result of alcohol or substances, immediate action will be taken to remove the individual from the environment, most likely by sending the individual home, or seek emergency medical assistance. If it is not safe for the individual to make their own way home alternative travel arrangements must be made.
- 4.2 All employees have a responsibility to ensure the health, safety and wellbeing of others is not put at risk. If an employee has reason to believe that a colleague is misusing alcohol or substances, they must inform their line manager immediately.

Illegal Activity

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

Alcohol and the Workplace

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

Driving at Work

- 4.5 Drinking alcohol or taking substances can affect people in different ways. Should an employee drink alcohol or take a substance (legal or illegal) which impairs their ability to drive and then undertake any occupational driving this will be deemed as breach of conduct and will be dealt with under our Disciplinary Policy. This will also be reported to the police.
- 4.6 Before any driving at work takes place, a dynamic risk assessment should be conducted. This should be completed by the driver and should include any alcohol or substance consumption. This is particularly relevant 'the morning after the night before'. If an employee is in any doubt as to whether they are safe to drive they should not do so.
- 4.7 If an employee suspects another staff member has consumed alcohol or substances or they have reason to believe the person may not be safe to drive, they have a responsibility to report this immediately to a manager. The manager will deal with the situation appropriately which will include informing the police. Should malicious

allegations be made this will be treated very seriously and will be subject to formal disciplinary action.

Smoking

Policy Conditions

4.8 In line with Smoking, Health and Social Care (Scotland) Act 2005, Yorkhill Housing Association prohibits smoking or use of electronic cigarettes within their premises in any common or work areas, including all company vehicles. Private cars used to transport colleagues, clients or visitors in relation to business are also covered by this policy. Anyone who wishes to smoke or use electronic cigarettes must do so outside of the Association's property.

Use of Electronic Cigarettes (E cigarettes or Vapes)

4.9 Electronic cigarettes are not covered under the Smoking, Health and Social Care (Scotland) Act 2005, however the use of electronic cigarettes on Yorkhill HA's premises, including company vehicles is prohibited, employees should therefore only use electronic cigarettes in designated smoking areas.

4.10 Electronic cigarettes should not be charged on Yorkhill's premises, and should not be left unattended at any point, or stored overnight within the premises.

Passive smoking exposure out with the organisation's premises

4.11 Employees are entitled to work within a smoke-free environment, this includes out with company premises and vehicles. Employees should report any concerns to their Line Manager, who will take appropriate actions to prevent this.

Breaches of Yorkhill HA's Smoke Free Policy

4.12 The Smoke-Free Policy applies to all employees, workers, agency staff and consultants across the organisation. Any breaches of this policy will be dealt with in accordance with Yorkhill Housing Association's Disciplinary Procedures with may lead to disciplinary action against an employee in accordance with the disciplinary procedure with outcomes of up to and including dismissal.

4.13 Breaches of the Smoking, Health and Social Care (Scotland) Act 2005 is also considered a criminal offence and that fines and prosecution may be applied to individuals and employers by the Environmental Health Officers.

4.14 Any contractor, customer, visitor, staff from other agencies or other members of the public who do not comply with the provisions of Yorkhill Housing Association's Smoke-Free policy will be asked to leave the premises immediately.

Employer Responsibilities

- Ensure all employees, workers, contractors, customers, visitors, staff from other agencies, governing body or committee members and members of the

public are informed that Yorkhill operates a Smoke-Free Policy in all its premises, developed to ensure a safe working environment.

- Ensure the main policy provisions will be clearly displayed at the entrance to Yorkhill's premises and within company vehicles
- Ensure 'No Smoking' signs will be clearly displayed in Yorkhill's premises including company vehicles.
- Ensure that smoking/use of electronic cigarettes is only allowed in designated areas. Smoking or use of electronic vapes out with these designated areas, on any company premises including company vehicles will be regarded as a breach of this policy.
- Manage any breaches of Yorkhill's Smoke-Free Policy as set out within this policy.
- Ensure we signpost and provide support to any employees who are seeking to cease smoking or stop using electronic cigarettes.

Employee Responsibilities

- Adhere to the Smoke-Free Policy.
- Report any breaches of the Smoke-Free Policy to their line manager.
- Report any exposure to passive smoking outwith the premises or company vehicles to their line manager.
- Highlight any concerns regarding the Smoke Free Policy to their Line Manager.
- Seek cessation support, if required by speaking with their Line Manager or utilising the information with this policy.

Cessation Support

4.15 Yorkhill recognises that the Smoke-Free Policy may impact those who smoke or use electronic cigarettes.

4.16 In an effort to help employees support is available:

- Speak with your Line Manager, who will guide you and provide necessary support.
- Contact 'Quit Your Way Scotland' the NHS support service for smoking cessation by:
 - Phone on 0800 84 84 84 - The helpline is open Monday to Friday, 9am to 5pm.
 - Chat Online Webchat is open Monday to Friday 9am to 5pm, if an adviser is available. Quit Your Way Scotland | NHS inform
 - Text Message to 07903 588 669. You must include any questions you have within the text.

- Your GP and local pharmacies can also offer assistance and advice with smoking cessation.

Management of Misuse

Managing Alcohol Misuse

- 5.1 Yorkhill Housing Association will manage alcohol misuse depending on its nature. Alcohol misuse will be dealt with under the following categories:
- 1) Alcohol overindulgence
 - 2) Alcohol dependence
- 5.2 Where concern arises regarding alcohol overindulgence that results in socially unacceptable or dangerous behaviour, but which is not related to a physical or psychological dependence, this will be treated as a conduct issue and will be dealt with under the organisation's disciplinary procedures.
- 5.3 Where concern arises regarding alcohol dependency and interferes with an employee's ability to carry out their duties, this will initially be considered as an ill-health issue and managed in accordance with the appropriate procedures. However, where there is no improvement, support is not accepted, programme not completed, or no dependence is diagnosed Yorkhill Housing Association will instigate the disciplinary procedure.

Managing Substance Misuse

Legal Substances

- 5.4 Where concern arises regarding overindulgence in legally obtained substances which results in socially unacceptable or dangerous behaviour. This also relates to prescription medication, whether required short or long term. Such situations will be treated as a conduct issue and will be dealt with under the organisation's disciplinary procedures.
- 5.5 Where an issue arises concerning legal substance dependency which has been obtained legally and interferes with an employee's work, this will initially be managed as an ill-health issue and managed in accordance with the appropriate procedures. However, where there is no improvement, support is not accepted, programme completed, or no dependence is diagnosed Yorkhill Housing Association will instigate the disciplinary procedure.

Illegal Substance Misuse

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

Illegally Obtained Legal Substances

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

General Illegal Activity

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

Police Involvement

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

Dependency

- 5.10 In circumstances where an employee is suspected of having an alcohol or legal substance dependency Yorkhill Housing Association will provide reasonable support. In the first instance the line manager will have a meeting with the employee and make a referral to a counselling service. The manager will then have follow-up meetings on an appropriate and regular timescale to determine the progress the individual is making.
- 5.11 Where there are performance issues relating to the dependence appropriate performance plans will be put in place in accordance with Yorkhill Housing Association's under performance procedures as detailed in the disciplinary procedures. Where the improvement is not adequate or support via a counselling service is not adhered to, normal disciplinary procedures will be instigated which may result in dismissal.

Confidentiality & General Data Protection Regulations

- 5.12 Employees with alcohol or substance misuse problems who are referred for support, whether voluntarily or mandatory will be dealt with in the strictest confidence.
- 5.13 This information will be handled in line with Yorkhill Housing Association's obligations under the current data protection regulations and our own Data Protection Policy. Information regarding how your data will be stored can be obtained by contacting the Data Protection Officer.

Supporting Agencies

Contact Details

- Turning Point Scotland
Tel: 0800 652 3757
- National Drugs Helpline
Tel: 0300 123 6600
- Murrays Initiative (formerly Glasgow Council on Alcohol)
www.murrays.scot
Tel: 0808 802 9000
- Crisis Scotland
Tel: 0141 812 8474
www.crisiscounselling.co.uk

Equalities

Impact Assessment

Yorkhill Housing Association Equality Impact Assessment Tool		
Name of Policy/proposal to be assessed	Alcohol, Substance Misuse & Smoking	Is this a new policy or a revision?
Person responsible for the assessment.	Grant Kennedy, Deputy Chief Executive	
Briefly describe the aims, objectives and purpose of the policy.	Clearer guidelines on alcohol, substance misuse & smoking, and the legal requirements, and paths upon discovery of misuse and/or addiction.	
Who is intended to benefit from the policy/proposal (e.g. applicants, staff, tenants, contractors).	Staff will benefit from clearer guidelines. The organisation and its managers will benefit from a clear process on discovery of misuse.	
What outcomes are wanted from this policy/proposal (e.g. the benefits to customers).	Clearer understanding of alcohol and substance misuse.	
Which protected characteristics could be affected by the proposal? (tick all that apply)		
<input type="checkbox"/> Age <input type="checkbox"/> Marriage/Civil Partnership <input type="checkbox"/> Race <input type="checkbox"/> Gender <input type="checkbox"/> Sexual Orientation	<input type="checkbox"/> Disability <input type="checkbox"/> Pregnancy/Maternity <input type="checkbox"/> Religion or Belief <input type="checkbox"/> Gender Reassignment	
<p>If the policy/proposal is not relevant to any of the protected characteristics listed above state why and end the process here:</p> <p>The policy is not conditional on protected characteristics.</p>		
Describe the likely positive or negative impact(s) the policy/proposal could have on the protected characteristics identified.	Positive impact	Negative impact
What actions are required to address the impacts arising from this assessment? (This might include; collecting additional data, putting monitoring in place, specific actions to mitigate negative impacts).		