



## **SUBSTANCE MISUSE (EMPLOYEES) POLICY**

### **1. INTRODUCTION**

- 1.1 The Trust recognises that it has a duty of care to provide a safe working environment for all employees. Misuse of alcohol, drugs and other substances should not impair the efficient running of the organisation or present a risk to the health and safety of the individual, colleagues, patients, visitors or members of the public.
- 1.2 It is essential that all service users have full trust and confidence in the Trust and that employees are fit for duty at all times and not impaired by intoxication.

### **2. POLICY STATEMENT**

- 2.1 The Trust aims to protect and maintain the safety and welfare of all patients, visitors and employees whilst providing support to those with an alcohol, drug or substance misuse problem.
- 2.2 This policy is aligned with the Trust's Proud to CARE values (Compassion, Achievement, Relationships, Environment). Further information on the Trust's values is available on the intranet.

### **3. EQUALITY IMPACT ASSESSMENT**

- 3.1 The Trust commits to the design and implementation of services, policies and measures that meet the diverse needs of services, the population and workforce, ensuring that none are placed at a disadvantage over others.
- 3.2 Therefore, this policy and procedure applies to all Trust employees irrespective of age, race, colour, religion, belief, disability, nationality, ethnic origin, sexual orientation or marital status, carer status, social and employment status, HIV status, gender reassignment, political affiliation or trade union membership. All employees will be treated in a fair and equitable manner.
- 3.3 The Trust will take account of any specific access or specialist requirements for individual employees during the implementation of this policy.

### **4. DEFINITIONS**

- 4.1 Alcohol misuse is defined as a level of drinking which persistently affects an employee's work. This can be regarded as an illness.
- 4.2 Drugs or substance misuse is defined as the use or possession of illicit drugs or other chemical substance, the inappropriate use of prescribed drugs and other substances such as solvents.

### **5. PROCEDURE/GUIDELINES/PROCESS**

- 5.1 The Trust has a duty to protect and maintain the safety and welfare of all patients, visitors and employees
- 5.2 Alcohol dependency and substance misuse may be a health problem, and the Trust is therefore committed to facilitating a consistent and caring approach to assist employees who have an alcohol related or substance misuse problem and to enable them to access specialist help where possible. Individuals have the right to confidential, specialist help and

the right to reject this help

- 5.3 The sensible use of alcohol outside of the work environment will be promoted with other health and wellbeing initiatives.
- 5.4 Staff must not consume alcohol or misuse any substances prior to or during contracted working hours including break times and any on call rota. "Prior to" would be considering the legal implications of driving a vehicle. This includes attending work in the morning after consuming alcohol or another substance the night before, but not allowing sufficient time for the substances to be excreted from the body.
- 5.5 Alcohol or substance misuse may become known in the following ways:
- Directly from the individual concerned
  - Through information supplied by a colleague, healthcare professional or other person
  - Through misconduct
  - Through absenteeism
  - Through deteriorating work performance
  - Through erratic behaviour or obvious signs of substance misuse
- 5.6 Employees may use medicine or drugs for health conditions which may be prescribed specifically for them and in accordance with medical advice. If there are any adverse reactions or perceived impairment whilst at work then the employee, or colleagues, should immediately notify the appropriate manager/matron and seek advice from their GP or Occupational Health.
- 5.7 Disciplinary action may be taken (up to and including dismissal) if it is believed that an employee is under the influence of alcohol, drugs or other substances at the following times:
- Prior to commencement of duty on Trust premises
  - At any time when on duty
  - During breaks and at any time when it may result in unacceptable work performance e.g. on call

## **6.0 PROCEDURE FOR DEALING WITH EMPLOYEES UNDER THE INFLUENCE**

- 6.1 All staff are expected to attend work in a fit state to carry out their duties in a safe and effective manner. If there are reasonable grounds to believe that a member of staff is intoxicated whilst on duty, the manager must make the decision to remove them from duty and send them home, normally accompanied and by a safe mode of transport, immediately. No Occupational Health or other medical advice is required to do this and the manager should ensure that the employee is able to safely get home.
- 6.2 Removal from duty would not normally be for longer than the day on which the individual is considered incapable of carrying out their duties unless other factors make a longer period of removal from duties appropriate.
- 6.3 A full investigation into why the employee was intoxicated at work should be carried out and should be conducted when the employee has recovered so that they can adequately present their circumstances.
- 6.4 The possession of illegal drugs whilst on duty will be regarded as a criminal matter and it may be necessary to involve the police in such circumstances.
- 6.5 If in doubt about how to progress, seek advice from the Human Resources team. If, as a result of concerns about health and safety, it is necessary to pass on any information to

their next line manager, then the employee must be informed. The records should be retained on the personnel file.

## **7.0 SUPPORT FOR EMPLOYEES**

- 7.1 If it seems possible that a member of staff has an alcohol or substance misuse problem which is affecting their performance at work, the Trust will encourage the individual to seek professional help. If relevant appointments fall within work time and cannot be rearranged then individuals will be supported to attend, with due consideration being given to service delivery. Staff will be able to consider taking annual leave, unpaid leave of working time back where appropriate. While the Trust will seek to help staff get professional help, it is entirely their responsibility to accept such help.
- 7.2 Line managers will not be expected to diagnose substance misuse problems. When the conduct of a member of staff comes to their attention as a result of a pattern of work related problems and/or alcohol problems, the procedural guidelines outlined should be followed and guidance obtained from Human Resources.
- 7.3 Every reasonable effort will be made to support the individual during treatment by maintaining them in the workplace or by assisting their return to the workplace, but this will be secondary to maintaining a safe working environment and the ultimate capability of the member of staff to perform the duties of the post.
- 7.4 If, following return to work, there is a re-occurrence of poor work performance, this should be regarded on its own merits and procedural guidelines should again be followed. However, disciplinary or capability procedures may be applied to staff with identified substance misuse problems if their unsatisfactory behaviour or performance continues.
- 7.5 An employee may seek advice direct from a GP, another outside agency or from a source other than the line manager for example Occupational Health or HR. If this is the case the normal standards of professional confidentiality will be observed. Employees are able to access the free Employee Assistant Programme, provided by BUPA, which is a free and confidential service offering advice and guidance on a range of issues including financial, legal, carer and childcare responsibilities.
- 7.6 Where an issue is identified, the full circumstances of the case should be thoroughly considered prior to deciding how to proceed.

## **8.0 DISCLOSURE OF DRUG/ALCOHOL RELATED OFFENCES**

- 8.1 In accordance with the requirement for all staff to declare if they are convicted of a criminal offence, any employee who has committed a drug or alcohol related offence must disclose this to their line manager immediately, even if the offence took place outside of working hours. For healthcare professionals, there may also need to be consideration given in relation to notifying their relevant professional body. For these purposes a healthcare professional is defined as anyone who is required to register with a regulatory body related to their professional code of conduct.

This includes cautions as well as convictions and offences such as drink driving, being drunk in charge of a child, possession of drugs, or theft of medication. This list is not exhaustive and employees must disclose any offence relating to drugs or alcohol.

- 8.2 In addition, healthcare professionals must inform their regulatory body (e.g. NMC) of the offence, and the regulatory body may require the individual to undergo medical screening in order to re-register. Employees should be aware that the Trust will inform the relevant regulatory body of any offences disclosed.

## **10.0 ROLES AND RESPONSIBILITIES**

- 10.1 The Trust has a responsibility to maintain a safe working environment for all its staff and will endeavour to raise a general awareness of the nature and dangers of substance misuse through its health and wellbeing initiatives.
- 10.2 Line managers should ensure that they are familiar with this policy and be alert to changes in work performance and attendance, sickness and accident patterns. If a substance misuse problem is identified, line managers should help the employee at work and actively assist with rehabilitation where appropriate; encouraging employees to seek help voluntarily.
- 10.3 Employees should seek help if they worried about substance misuse, or if this is raised with them by their manager.
- 10.4 Human Resources will provide advice and assistance on the implementation of this policy and related policies
- 10.5 Occupational Health will offer assessment, support and advice and where appropriate arrange referral to another agency.

## **11.0 TRAINING REQUIREMENTS**

- 11.1 Guidance can be provided by the HR department and Occupational Health for managers/supervisors at all levels to equip them with an understanding of substances misuse. In particular, its relation to work and to make them aware of the procedures contained within this policy which may be applied to staff with identified substance misuse problems if their unsatisfactory behaviour or unsatisfactory performance continues.

## **12.0 KEYWORDS**

- 12.1 Drugs, alcohol, solvents, drinking, substance misuse

## **13.0 REFERENCES**

- 13.1 Alcohol Advisory Service

## **14.0 RELATED POLICIES**

Health and Safety Policy HS010  
 Health and Attendance Management Policy HRP24a  
 Disciplinary Procedure HRP03  
 Performance and Capability Procedure HRP04  
 Promoting Mental Health At Work Policy HRP45  
 Support for Employees Experiencing Domestic Violence and Abuse HRP23  
 Special Leave and Staff Support Policy HRP34

Date of ratification:	Joint Consultative Committee – July 2015
First issued:	June 1995
Version no:	2.0
Date issued:	July 2015
Review date:	July 2017
For review by:	Deputy Director of Workforce and Organisational Development
Director responsible:	Director of Workforce and Organisational Development