

## Document Control

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<b>Employment Policy on Drugs and Alcohol at Work</b>			
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## 1. Purpose

- 1.1. To encourage employees with substance misuse or alcohol problems to seek help and accept counselling or treatment at the earliest possible stage (early identification means a better chance of successful treatment)
- 1.2. To emphasise, amongst all levels of staff that specific instances of alcohol and / or substance misuse may still be a disciplinary matter where staff behave in a manner contrary to standards of safety and conduct. Depending on the seriousness of the circumstances, it may be regarded as gross misconduct.
- 1.3. The Trust and all staff have a responsibility to work and support a healthy and safe working environment. This includes doing everything reasonably possible to resolve alcohol and drug related problems known within the work place.
- 1.4. Staff have a duty of care to patients and clients as well as to colleagues and this duty cannot be fully discharged if alcohol and drugs problems exist.
- 1.5. Staff are reminded that the use of and the supplying to others of illegal substances are criminal offences and may result in the involvement of the Police.
- 1.6. Staff are reminded that the misuse of legally prescribed drugs or the supplying of such medication to other staff may constitute a disciplinary offence.

## 2. Objectives of the Policy

- 2.1. To state clearly the standard adopted by the Trust regarding alcohol consumption and drug use and their implications within the workplace.
- 2.2. To prevent accidents and impaired performance at work which may be alcohol or drug related.
- 2.3. To actively promote awareness and understanding of the effects of alcohol and drug related problems within the workplace, and to emphasise the potential dangers of such misuse for both the individuals' health and work performance.
- 2.4. To provide a framework for dealing with alcohol and drug related problems. To clarify the managers' role in managing problems associated with staff abuse of alcohol or drugs and to ensure all those involved have access to support.

- 2.5.** To promote an environment where staff with alcohol or drug problems are encouraged to go to their managers/supervisors and receive a positive and sensitive response to their needs, balanced by the needs of the service / Trust, and the need to provide a safe, appropriate and high quality service.

### **3. Scope**

- 3.1.** This policy is applicable to all employees of the Trust, to volunteers, students on placements, agency and locum staff. Any reference to staff in this document includes volunteers and students on placement.
- 3.2.** There will be occasions when staff from other organisations are working under the management of the Trust. Those individuals will be covered by their own organisations policy unless superseded by a shared policy.

## **4. Role and Responsibilities**

### **All Staff**

- All staff to be responsible for reporting concerns to a senior member of staff.
- To understand the effect of alcohol and drugs on work and health.
- To recognise that covering-up or colluding with colleagues with alcohol or drugs problems is counterproductive, and can perpetuate the problem.
- To urge work colleagues to seek help if they have a problem in the knowledge that a positive and supportive approach will be offered.
- If worried about their own drinking or drug taking to seek help from managers, Human Resources staff, Occupational Health Service or outside Agencies and confidential Counselling Services, Drugs and Alcohol Advisory Service or outside agencies
- To be familiar with the policy and procedures.

### **Role of the Manager**

- To set a good example
- To be familiar with the policy and procedures
- To take a leading role in informing their staff of the policy
- To monitor changes in work responsibilities under the policy
- To monitor changes in work performance and attendance
- To encourage an employee to seek help voluntarily
- To help the employee at work and assist with rehabilitation

- To use capability/disciplinary measures appropriately, i.e. with the clear focus being a return to satisfactory work performance within a reasonable period.

### **Role of the Occupational Health Department**

- To provide advice and guidance on how best to help an individual who has a problem with behaviour or work performance which might be relating to alcohol or drug use.
- To respond to referrals from managers or Human Resources staff and provide support and advice, where appropriate.
- To liaise with GP / Specialist and other agencies to monitor the individuals progress throughout the period of sickness absence.
- To provide a confidential service to staff, which may include counselling, assessment or referral to another agency. It may be appropriate to access services out of area.
- To assist in the education initiative to promote responsible drinking and educate on the harmful effects of drugs and solvent misuse.
- To ensure that managers are aware, as far as confidentiality allows, of the dangers posed to clients/patients and colleagues by an employee's alcohol or drug problem.

### **Role of the Human Resources Staff**

- To provide advice and assistance on implementation of the policy.
- To refer staff for assistance where appropriate
- To support managers in their management of staff with alcohol or drug problems.
- To advise on suitability of the use of capability/disciplinary procedures
- To monitor the effectiveness of the policy.

### **Role of the Trust**

- To ensure all staff and managers are aware of this policy and to ensure there is easy access to this policy
- To ensure the policy is reviewed and updated as appropriate
- To ensure the policy is amended in light of new legislation which might apply to this policy

## **5. References**

- 5.1.** This policy should be read in conjunction with the following Trust Policies:

Maximising Attendance Policy (incorporating sickness absence guidelines)

Disciplinary Procedure

Managing Performance (Capability) Policy

Search of Persons & Property Standard Operating Procedure

## 6. Drug Use

- 6.1. Drug use refers to the use of illegal drugs and the misuse whether deliberate or unintentional, of prescribed drugs, non-prescribed drugs, legal highs and substances such as, but not limited to solvents.
- 6.2. Drugs can alter the way a person thinks, perceives and feels and this can lead to impaired judgement or concentration. Drug use can also bring about the neglect of general health and well-being. This may adversely influence the performance of the member of staff.
- 6.3. It is recognised that the misuse of legally prescribed and non-prescribed drugs or substances may also impair performance.
- 6.4. Signs of drug use are listed in Appendix A
- 6.5. It is not permitted for staff to be in possession, under the influence, deal in or take drugs within classes A, B or C in the workplace unless prescribed by a Doctor. A list of these drugs can be obtained from the Home Office Website.
- 6.6. All staff must advise their line manager if they are charged with and/or convicted of a drugs offence. If the line manager is not informed further action may be taken under the Trust's disciplinary procedure.
- 6.7. Convictions of staff for drug or alcohol offences can damage public confidence in Trust services, irrespective of the role performed by that member of staff and whether the offence was committed at work or not. Consequently the continued employment of any member of staff is at risk if convicted of such an offence. If the Trust is made aware of any alcohol or drug-related convictions against an individual it will carry out an investigation and the disciplinary procedure may be invoked. Professional staff should also be aware that such convictions will be reported to their professional body.

## 7. Alcohol Consumption in the Workplace

- 7.1. It is not permitted for staff to drink or be under the influence of alcohol whilst on duty or on Trust premises. This includes at celebratory occasions (e.g. Christmas or farewell events)

- 7.2.** Exceptions are staff who are off duty and who live in Trust residential accommodation. There may be other occasional exceptions such as functions held at the Post Graduate Medical Education Centre, where staff are not on duty.
- 7.3.** It is not permitted for staff to drink alcohol in a public place whilst wearing a Trust identification badge or uniform
- 7.4.** All members of staff should note that drinking alcohol before work and during meal breaks can impair performance. Staff are asked to note that there is a perceived link between the smell of alcohol on the breath of staff and incompetence. Such perceptions can damage public confidence in Trust services. Under no circumstances must staff be under the influence of alcohol when on duty.
- 7.5.** If a member of staff acts contrary to this policy in the workplace, disciplinary proceedings may follow a full investigation by the manager. Occupational Health advice may be sought to assess the individuals' fitness for duty. Non-compliance with the referral may lead to disciplinary action.
- 7.6.** If a member of staff is intoxicated, under the influence of drugs, or showing behaviour that indicates they could be placing themselves and others at risk at work they will be sent home immediately. The manager should ensure that the member of staff will be able to reach home safely and where required should arrange a lift.
- 7.7.** Staff are also reminded that alcohol consumption outside of work leading to hangovers can also be detrimental to performance at work and may lead to further action.
- 7.8.** Staff who are required to drive as part of their duties should not consume alcohol before coming on duty or while on duty. It is an absolute requirement for a driver to be under the legal limit. The Road Traffic Act 1988 makes it illegal for any person to drive or attempt to drive a motor vehicle while unfit to drive through the use of a substance. This includes prescribed and over-the-counter medication, as well as illegal drugs and alcohol. Staff are reminded that driving whilst over the legal limit may result in the involvement of the police.
- 7.9.** Occupational health will see staff who have been referred by their manager, and will normally liaise with their GP who should arrange treatments as necessary, involving specialists in the management of alcohol or drug misuse.
- 7.10.** The Line Manager will monitor the individual's progress whilst they are off sick and liaise with the manager and human resources to facilitate their return to work.

## 8. Alcohol Consumption for On Call Staff

- 8.1. When on call, staff must remain fit to work.

## 9. Operation of the Policy

- 9.1. All Staff are subject to the policy in various ways, such as:
- 9.1.1. The individual voluntarily decides to seek help from a manager or specialist department within the Trust or outside agency
  - 9.1.2. A member of staff may show signs of an alcohol or drug related problem which may manifest itself in a variety of ways (see Appendix A).
- 9.2. The Trust accepts that if a member of staff has an alcohol or drug related problem affecting work performance, confidential guidance and assistance to overcome the problem should be offered. Such guidance and assistance may be from the Manager/supervisor or any of the departments/agencies listed below. Medical suspension may be appropriate.
- 9.3. In the case of volunteers the Volunteering Co-ordinator or the Fundraising Manager will be the responsible officer. Staff/managers should refer any issues about possible inappropriate consumption of alcohol by volunteers to the departmental manager.
- 9.4. When discussing such problems with staff, the aim of the Trust to assist the individual concerned will need to be uppermost in the minds of managers. If time off for treatment is recommended, the appropriate Human Resources and Occupational Health staff will need to be advised and, together with the line manager, will assure the employee that all benefits and rights granted by the Contract of Employment are safeguarded during the duration of the treatment. Any help, advice or treatment may be recorded as sick leave.
- 9.5. The confidentiality of employee's records will be preserved. The exceptions to this would be where individual cases are necessarily reported to a particular professional governing body e.g. GMC, NMC.
- 9.6. It is accepted that where support and encouragement have been given over a reasonable period and poor performance continues, recourse to the Trust's Disciplinary/Capability Procedures may be appropriate.
- 9.7. In all cases where a member of staff is being investigated under circumstances relating to drugs or alcohol, they are entitled to be supported by a Trade Union representative/officer, or workplace colleague.
- 9.8. The most senior person in charge of a shift is responsible for being supportive to the member of staff and for following appropriate reporting procedures.

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### **Refer to Roles and Responsibilities of individuals.**

## 10. Alcohol Testing

- 10.1.** Alcohol testing will only take place with the written consent of the member of staff concerned.
- 10.2.** The Trust does not operate a systematic process currently but may exercise the requirement to test a member of staff at any time.
- 10.3.** Testing will only be carried out by a member of staff fully trained in the use of testing equipment. If no equipment is available, a risk assessment should be carried out and a decision made about whether the staff member should remain on duty. If this is out of hours the clinical site manager will make this assessment.
- 10.4.** If a member of staff refuses to comply with testing in line with point 10.1 above they may be asked to leave the premises and their failure to comply will be taken into account in respect of any formal investigation.
- 10.5.** Should such a test prove positive, this will be investigated and may lead to disciplinary action being taken against the employee.

## 11. Equality Impact Assessment

- 11.1.** The author must include the Equality Impact Assessment Table and identify whether the policy has a positive or negative impact on any of the groups listed. The Author must make comment on how the policy makes this impact.

**Table 1: Equality impact Assessment**

Group	Positive Impact	Negative Impact	No Impact	Comment
Age			X	
Disability			X	
Gender			X	
Gender Reassignment			X	
Human Rights (rights to privacy, dignity, liberty and non-degrading treatment), marriage and civil partnership			X	
Pregnancy			X	
Maternity and Breastfeeding			X	
Race (ethnic origin)			X	
Religion (or belief)			X	
Sexual Orientation			X	

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## **APPENDIX A – INDICATIONS OF ALCOHOL AND DRUG RELATED PROBLEMS**

There is no single characteristic which identifies a person with an alcohol or drug problem, and indeed alcohol or drugs are only two of many possible reasons for deteriorating job efficiency. However, if the following characteristics occur in combination or as a pattern over a period of time alcohol or drug related problems may be indicated.

### **Absenteeism**

Multiple instances of unauthorised leave – excessive sick leave (including frequent self-certified or un-certificated sick leave) - frequent Monday and or Friday absences – excessive lateness, e.g. returning late from meal breaks – leaving work early – increasingly improbable excuses for absence.

High accident rate at home or at work

Difficulty in concentrating

Spasmodic work patterns

Alternative periods of high and low productivity – increasing general unreliability and unpredictability.

### **Reporting to Work under the influence of alcohol or drugs**

Attending work in an obviously inebriated condition – smelling of alcohol – hand tremors – increasingly unkempt appearance – lack of personal hygiene. (NB this is a dismissible offence under the Trust's Disciplinary procedure).

### **Deteriorating Job Efficiency**

Missed deadlines – mistakes – making bad decisions.

### **Poor Relationships at Work**

Over-reaction to imagined or real criticism – irritability – complaints from colleagues – borrowing money from colleagues – avoidance of manager or associates.

### **Dishonesty and theft**

NB theft is a dismissible offence under the Trust's Disciplinary procedures.

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## **APPENDIX B - GUIDELINES FOR MANAGERS DEALING WITH STAFF ALCOHOL AND DRUG RELATED PROBLEMS**

- 1 When a manager or colleague suspects that any member of staff has a problem related to alcohol or drugs, the matter should be discussed confidentially at an early stage in the first instance with the individual and then with the appropriate Human Resources Staff and the Occupational Health Department.
- 2 The manager should inform the member of staff of his or her concern and outline the Trust's policy, by offering help support and assistance. The interview will be conducted outside of the Trust's Disciplinary Procedure.

To aid the progress of the meeting but only if the member of staff wishes, it may be helpful for the employee to be accompanied by a colleague or Trade Union representative. The Manager must ensure that the member of staff is given the option of being accompanied at the interview.

- 3 During this discussion the welfare of the member of staff will be uppermost in the mind of the manager. The purpose of the discussion is to assist the employee in acknowledging/recognising that an alcohol or drug related problem may exist, so that appropriate support can be offered and a return to a satisfactory standard of work is achieved.
- 4 Once a member of staff acknowledges or recognises an alcohol or drug related problem, he or she should be advised to seek advice from the Occupational Health staff. It is recognised that some staff may wish to receive support and treatment from outside the Trust.
- 5 The manager, in consultation with the member of staff and Human Resources Advisor and in light of the Occupational Health Department's advice will set reasonable objectives and review performance regularly.
- 6 In all instances the encouragement to seek and accept treatment is on the understanding that the member of staff will be regarded as being on sick leave (subject to the relevant National Terms and Conditions pertaining to sick pay ) whilst undergoing treatment..
- 7 The member of staff must be aware that if work performance is affected then continued employment will depend upon co-operation with the support programme and the attainment of agreed and reasonable work targets.
- 8 The procedure established by this policy for assisting a member of staff with alcohol or drug related problems is quite distinct from the disciplinary and capability

procedures. However, these procedures may need to be used in the following circumstances and advice should be sought from an Human Resources Advisor:

- a) If a member of staff denies there is a problem and an individual's conduct or performance is unacceptable.
- b) If a member of staff acknowledges that they have an alcohol or drug problem that could affect conduct at work or which prevents the achievement of a satisfactory level of work performance, but refuses the opportunity to receive help.
- c) If an employee discontinues treatment and then reverts to unsatisfactory levels of conduct or poor performance.
- d) Where an employee accepts the opportunity to receive help but the conduct/work performance afterward reverts to previous problem level.
- e) Where an employee has been found to have breached the Trust's Disciplinary rules whilst under the influence of alcohol or drugs. (If during the investigation it is determined that the employee has an alcohol or drug problem this may be taken into account when deciding on the appropriate disciplinary action).