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|  | **Policy No:** PP38**Version:** 6.1 |

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| **Name of Policy:** | Prevention of Alcohol, Drug and Substance Misuse in the Workplace |
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| Ratified | HR Committee |
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Unless this copy has been taken directly from the Trust intranet site (Pandora) there is no assurance that this is the most up to date version

This policy supersedes all previous issues

**Version Control**

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| **5.0** | 14/03/2016 | Claire Hobson/HR team | HR Committee | 09/02/2016 | Complete revision and reformat |
| **6.0** | 18/01/2018 | Claire Hobson | Director of Strategy and Transformation | 02/01/2018 | Page 8 updated websites |
| **6.1** |  |  | Director of People and OD | 18/03/2021 | Policy extendedSponsor changed to Director of People and OD |
|  |  | D Waites | PRG | 31/05/2022 | Policy extended to allow review and updates |

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# **Prevention of Alcohol, Drug and Substance Misuse in the Workplace Policy**

# **1.** **Introduction**

The Trust is committed to making proper provision for the health, safety and welfare of its employees at work. The misuse of substances (see definition) may cause deterioration in employee health, safety and performance.

The policy is not concerned with the proper use of legally prescribed drugs, at work or the effects of previous consumption or side effects of prescribed or over the counter medication. This policy has been considered in order to ensure compatibility with the Human Rights Act 1998, The Health and Safety at Work Act, 1974 and Management of Health and Safety at Work Regulations 1999.

All Trust staff have a duty of care for patients, visitors and other staff and should they have reasonable grounds to have concerns regarding issues related to substance misuse of themselves or their colleagues then this must be reported to their Line manager.

Appendix 1 details a flow chart of action to be taken when substance misuse is known or suspected.

# **2. Policy Scope**

The Trust cannot condone illegal acts and therefore anyone found possessing, trafficking, taking or selling drugs in the workplace may be subject to disciplinary action, and the Police will usually be informed

The Trust accepts that the use of alcohol and/or drugs can lead to health and performance difficulties. This policy is supportive to employees who recognise when their substance usage has become problematic and who seek appropriate help.

This policy is applicable to all employees/students/trainees/volunteers of the Trust/employees working on site from other NHS/Local Authority organisations as well as Private Contractors of staff. It covers all substances as defined below.

The Trust runs services across 7 days and 24 hours throughout the year and this policy applies at all times.

# **3. Aim of the Policy**

* To alert all employees to the risks associated with alcohol and drug misuse and to promote a positive attitude towards the responsible use of alcohol and prescribed drugs.
* To encourage employees to seek help at an early stage in order to improve the chances of a successful change in behaviour.
* To provide a consistent and non-judgmental range of options to assist employees with alcohol or drug related problems.
* To provide a framework of action for managers to take in the event of a member of staff presenting with a known or suspected concern related to alcohol, drug or substance misuse

# **4. Duties (roles and responsibilities)**

**The Trust Board**

The Trust has a “duty of care” as an employer to provide a safe and healthy workplace, and working environment. The Trust is responsible for ensuring there is support available for individuals who may be experiencing concerns with alcohol, drug or substance misuse.

**The Chief Executive**

The Chief Executive is ultimately responsible for ensuring effective corporate governance within the organisation and therefore supports the Trust-wide implementation of this policy.

**Executive Directors, Associate Directors and Service Line Managers**

Executive Directors, Associate Directors and Service Line Managers are responsible for the implementation of the policy within their areas of responsibility.

**Line Managers are responsible for:**

* + Pro-actively dealing with alcohol or substance misuse problems in a timely manner
	+ Initiating a frank and sensitive discussion on identification of a possible substance misuse related problem (whether identified by employee, management or colleague). The aim of this is to advise, help and support the employee and should include informing the employee of available support (including Staff Counselling provision), Occupational Health and this Policy
	+ Supporting and encouraging the employee, where is it is clearly evident they have a substance misuse related problem, to seek help as necessary
	+ Referring the employee to Occupational Health in line with normal referral process and meeting with them in a timely manner on receipt of report to discuss this and to act on recommendations.
	+ Deciding whether an employee’s performance and conduct is impaired to the extent that the employee is unable to safely and /or competently undertake the duties expected of them and to decide whether to allow the employee to remain at work pending assessment by Occupational Health following referral (see appendix 2 for guidance)
	+ Keeping accurate records of discussion and action taken.

**HR Department are responsible for:**

* + Providing managers and employees with advice on the implementation of this policy
	+ Providing support, training and advice to line managers and employees
	+ Providing advice and support in the event a disciplinary investigation is invoked

**Staff Side Representatives are responsible for:**

* + Helping to inform the workforce of the policy which may include joint training sessions
	+ Encouraging employees who may have alcohol or substance misuse related problem to seek help
	+ Offering advice to members of their rights and responsibilities under this policy
	+ Offering support to a member in assisting with their rehabilitation

**Occupational Health are responsible for:**

* + Providing advice and guidance on how best to help an individual who has a problem with attendance, performance or behaviour at work which might be related to substance misuse
	+ Providing assessment and on-going advice to individuals who refer themselves or are referred for help
	+ Offering, initiating and supporting a recovery programme where appropriate, and providing effective and appropriate communication between employees and all those concerned with recovery. This includes their GP as well as the therapeutic agency. It should be noted that reports are not usually available from programmes such as Alcoholics Anonymous
	+ Assisting management in planning the employee’s return to work or keeping the employee in work in a suitable and satisfactory way

**All Staff are responsible for:**

* + Presenting for duty in a fit condition.
	+ Taking action if they are concerned about their own use of substances. Self-Referral is encouraged and employees can seek help in confidence from Occupational Health, their manager, HR, or staff side representative and accessing interventions that will assist in their recovery. Early identification and referral of problems can be key factors as a means of ensuring that practical help can be given at an early stage.
	+ Not consuming alcohol during their contracted working hours, unpaid breaks or on Trust premises.
	+ Not consuming alcohol or using substances (with the exception of prescribed medication) prior to reporting for duty or at levels in the preceding hours or day that may still be in their system when starting work.
	+ Not consuming or using substances (other than prescribed medication) during work time, unpaid breaks or on Trust premises.
	+ Behaving responsibly so as not to damage the Trust’s image or standing when travelling to or attending a function at any time on behalf of the Trust, at which alcohol is available. Anyone who by irresponsible drinking or misuse of substances, damages the image/standing of the Trust may be subject to disciplinary procedures.
	+ Contacting Occupational Health for advice and informing their manager if they are currently using drugs prescribed to them by their GP/Specialist and they feel that the side effects may affect their ability to perform their duties.
	+ Raising concerns with their manager if they feel a colleague may be experiencing misuse of alcohol, drug or other substances particularly where this may be impacting on their ability to perform safely and effectively at work but also as a supportive measure to enable help to be provided where needed. In the event of the manager being the individual of concern, this should be raised with an alternative manager or HR.
	+ When staff are discussing any issues relating to substance misuse they should always consider the sensitivity of the subject
1. **5 Definitions**

Substances alcohol, drugs (including illegal, prescribed medication or legal highs (legal drugs that contain one or more chemical substances which produce similar effects to illegal drugs) or other substances that affect attendance, conduct or performance at work.

Substance misuse excessive or inappropriate use of substances that affect attendance, conduct or performance at work

**6 Main Body of the policy**

**6.1 Confidentiality**

Any information shared or discussed with managers, HR, Occupational Health or staff side regarding known or suspected alcohol will be kept in confidence and will not be shared or made available to others without the employee’s consent. Exceptions to this are in line with professional and legal guidelines and there may be a need to share information with others if disclosed information suggests someone may be at risk of harm. This could be the employee being at risk of harm to self or a patient or other person. Where confidentiality may need to be breached, endeavours will be made to discuss this initially with the individual to explain why this is needed.

**6.2 Use of Alcohol at Trust Events/on Trust Property**

The serving and consumption of alcohol on Trust property is not permitted.

**6.3 Misuse of prescribed medication, possession of illegal substances.**

If the prescribed drugs are legally held but are being used for other than the intended medical purpose, the employee may be subject to a full investigation in accordance with the Trust’s disciplinary policy

If an employee knowingly possesses illegal substances and reports for duty and is subsequently found to be either in possession of, consuming or distributing these substances, they will be subject to disciplinary procedures and the police will be informed.

**6.3** **Support for Treatment**

When an employee accepts they have a substance misuse concern and agrees to access a support programme, the Trust will support this by allowing paid time away from work to attend appointments during work hours.

Where an employee does not accept a support programme offered by Occupational Health, their GP or a recognised self-arranged programme (e.g. Alcoholics Anonymous, North East Council for Addictions), the Occupational Health Practitioner will advise the manager of this who may then invoke the disciplinary procedure.

The Trust will try to ensure that where treatment requires absence from work, an employee returns to his/her normal job after its completion after an agreed action plan is devised. In those cases where it is not advisable because of the individual’s state of health, or a return to the former job may jeopardise full recovery, or safety may be compromised, the Trust will make every effort to offer redeployment to suitable alternative employment in accordance with the Trust’s Supporting and Managing Attendance Policy.

Recurrence of poor work performance, will be considered on its own and an opportunity for further treatment may be considered. The decision to undergo treatment is the responsibility of the employee and no employee will be forced to accept assistance. Failure to seek help and subsequent or ongoing concerns re performance, attendance or presentation in the workplace may be managed under Trust Disciplinary Policy PP01.

**6.4 Possible signs of substance misuse:**

• Abusive or aggressive behavior, mood changes;

• Persistent short term absence from work;

• Unauthorised absence from work;

• Frequent breaks away from work station or area, visiting toilets excessively, extended tea breaks;

• An unexplained decrease in performance, unreliable work performance;

• Lack of concentration or unusually confused, abnormal fluctuations in concentration and energy;

• Staggering, slurred speech and smell of alcohol on breath or appearance of being under the influence of alcohol;

• Poor personal hygiene and appearance;

• Unexplained incidents, near misses, high accident rate compared to peers;

• Dilated pupils;

• Increased complaints about their work;

• Poor time keeping – arriving late, leaving early;

• Ward/department supplies of drugs missing;

• Unreliability and unpredictability;

• A deterioration in relations with colleagues, customers or management;

• Dishonesty and theft (arising from the need to maintain an expensive habit), borrowing money;

• Periods of withdrawal and depression;

• Hostile to advice.

The above list is not exhaustive and should only be used as indicators of a possible substance misuse issue and they may be explained by other reasons.

**6.5 Sources of Support**:

**USEFUL CONTACT NUMBERS**

National Helplines:

National Alcohol Helpline Tel: 0800 917 8282

FRANK, National Drugs Helpline Tel: 0800 776 600

Turning Point Tel: 020 7417 600

Local Helplines/Services

Twenty Four:7, Gateshead Alcohol & Drug Team Tel: 0191 443 6880

North East Council on Addictions (NECA): Tel: 0191 383 9420

The OASIS Project, Tel: 0191 490 1045

Alcoholics Anonymous, Tyneside/Wearside Tel: 0845 769 7555

Parents/Carers Advice:

AdFam Tel: 0207 928 8898

Alcoholics Anonymous Family Groups Tel: 020 7403 0888

**Websites:**

[**www.drugwise.org.uk**](http://www.drugwise.org.uk)

[**www.alcoholconcern.org.uk**](http://www.alcoholconcern.org.uk)

[**www.adfam.org.uk**](http://www.adfam.org.uk)

[**www.talktofrank.com**](http://www.talktofrank.com)

[www.alcoholics-anonymous.org.uk](file://aspen/User-Docs/claire.hobson/My%20Documents/www.alcoholics-anonymous.org.uk)

**7 Training**

Due to the individual nature of the issues that should arise, individual training/coaching will be provided by HR and Occupational Health when required.

**8 Diversity and Inclusion**

The Trust is committed to ensuring that, as far as is reasonably practicable, the way we provide services to the public and the way we treat staff reflects their individual needs and does not unlawfully discriminate against individuals or groups on the grounds of any protected characteristic (Equality Act 2010).  This policy aims to uphold the right of all staff to be treated fairly and consistently and adopts a human rights approach. This policy has been appropriately assessed.

**9** **Monitoring compliance with the policy**

|  |  |
| --- | --- |
| **Standard/process/issue** | **Monitoring and audit** |
| **Method** | **By** | **Committee** | **Frequency** |
| Review of sample of cases of known/suspected substance misuse to check Policy has been followed | Audit | HR / OH Department | Health and Wellbeing steering group | biannual |

**10** **Consultation and review**

This policy has been reviewed in consultation with the JCC Policy Sub-Group and LNC.

**11 Implementation of policy (including raising awareness)**

This policy will be circulated by the Trust Secretary as detailed in OP 27 Policy for development, management and authorisation of policies.

**12** **References**

PP01 Disciplinary Policy

PP11 Managing Attendance Ppolicy

Equality Act 2010

Human Rights Act 1998

The Health and Safety at Work Act, 1974

Management of Health and Safety at Work Regulations 1999

NHS Employers

**Appendix 1**

**Action for manager to take with employee for known or suspected substance misuse**

Meet with employee to discuss concerns (this should be without delay if employee at work)

 Employee admits a substance misuse concern?

 YES NO

Offer support Ask employee if they can offer explanation for concerns

Refer to appendix 2 Refer to appendix 2 and discuss with HR

Refer to HR and OH Consider monitoring performance, referral to OH

Consider disciplinary process if no improvement

Support accepted and evidence

Adhered to?

 YES No Discuss concerns again, offer support again and if still not accepted
 discuss with HR and consider disciplinary process

Support to return to/

remain at work and monitor

**Appendix 2 - Guidance for Managers in assessing whether employee should remain at work in the initial stages where there is suspicion of substance misuse.**

Refer to <http://staffzone/ddi/departments/occupational-health/mentalhealth.php>

Does employee admit to substance misuse that has resulted in concern?

 Yes No

Does employee’s job involve

contact with patients?

 Does their job impact directly on patient

 safety or care? Or are they driving, working with

Yes dangerous equipment or carrying out duties that
 have safety implications if unable to concentrate
 fully on this?

Send home and arrange to meet Yes

as soon as possible to discuss

this and manage as appendix 1 No

Is presentation in workplace of sufficient concern that the employee is unable to perform their duties or is presenting in a way that is likely to disrupt the work of the Department or colleagues?

 Yes No

Send home and arrange to meet Consider allowing employee to

as soon as possible to discuss this remain at work and arrange to

and manage as appendix 1 discuss this the following working day

and manage as appendix 1

***Before sending an employee home, check how they are getting there. If driving advise them to use alternative method and that you may need to inform police if you think they will attempt to drive home potentially under the influence of substances that are affecting them. Offer to contact someone to come and collect them or to book a taxi.***