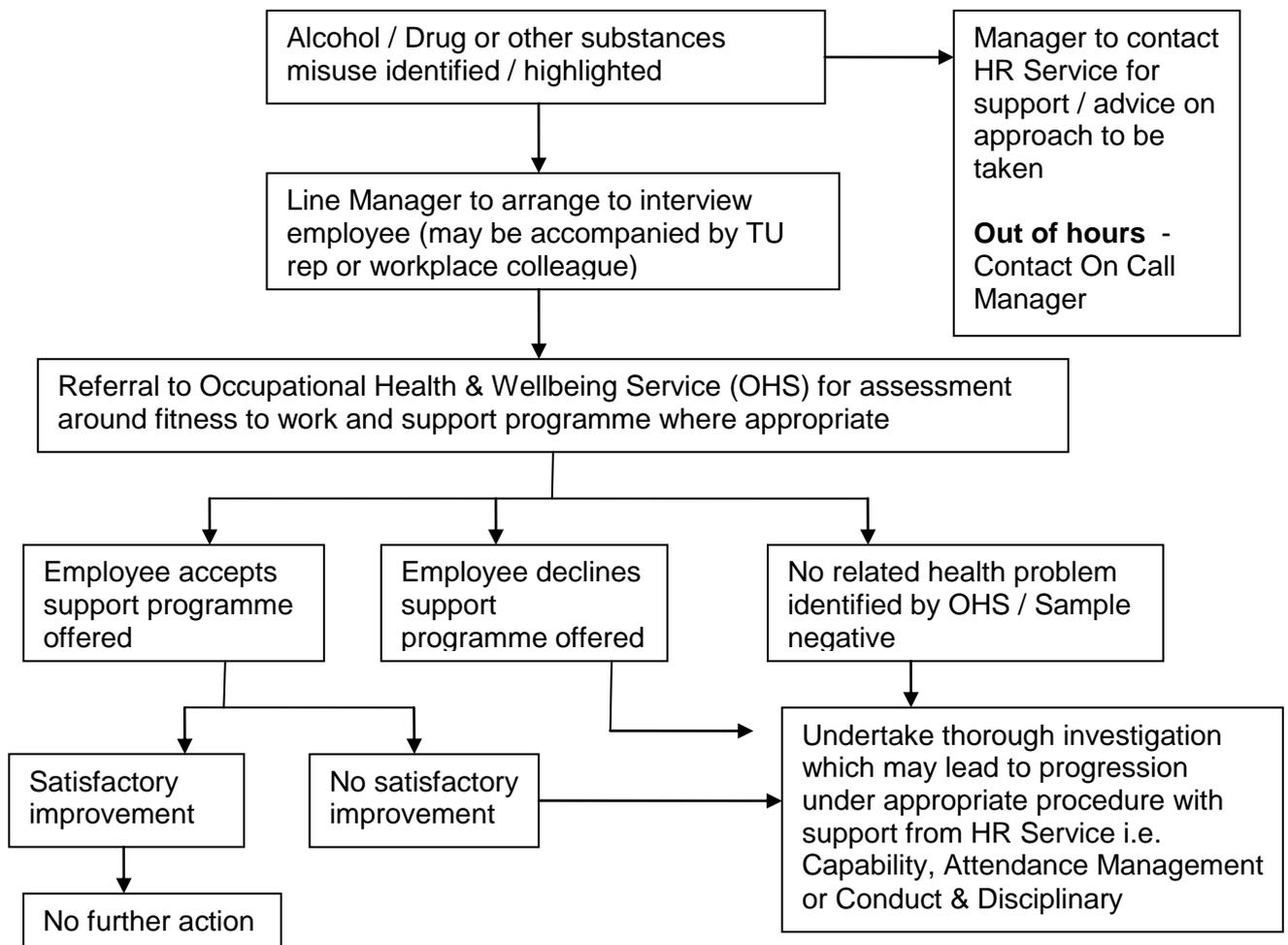


Quick Reference Sheet for Policy

Alcohol, Drug and other Substance Misuse at Work, EDH052 v 4

The procedure for dealing with employees suffering from drug / alcohol or substance misuse can be found at **appendix 4**. Alternatively see the procedure flow chart below:

Procedure Flow Chart



This quick reference sheet has been provided to aid the use at the point of need; however it does not remove your responsibility to ensure that you are familiar with the content of the full document to which it relates

It is your responsibility to check that this print out is the most up-to-date version of this document
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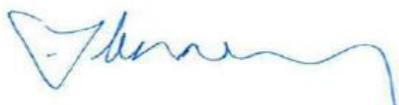
Reference Number: EDH052

Version Number: 4

Date of Issue: 06/06/17

Policy for Alcohol, Drug and other Substance Misuse at Work

What is this document for?	To raise staff awareness of the risks and potential harm to health associated with the use of intoxicating substances and promote sensible and appropriate behaviour. Clearly sets out responsibilities and provides a framework to enable instances of misuse by employees to be handled in an appropriate, fair and consistent manner
Who needs to know?	All staff and managers
Related PAHNT Documents:	(EDH024) Induction and Mandatory Training Policy (EDH031) Capability Policy and Procedure (EDH027) Attendance Management & Sickness Absence Policy (EDH002) Conduct & Disciplinary Policy (EDH010) Handling Concerns about Medical Staff Policy (EDH013) Whistleblowing policy (NCWC011) Policy for protection of adults at risk of abuse and neglect (EDN042) Domestic Abuse Policy
Related Legislation/Obligations:	<ul style="list-style-type: none"> •The Road Traffic Act 1988 •Transport and Work Act 1992 •The Management of Health and Safety at work Regulations 1999 •Health and Safety at Work Act 1974 •Misuse of Drugs Act 1971

Accountable Executive:	Jon Lenney, Director of Workforce & OD
Document Author(s):	Michelle Waite, Operations Manager, Occupational Health & Wellbeing Service
Developed with:	Staff side colleagues and management HRBP's HWB Steering Group including Clinical Matron for Alcohol Services Occupational Health & Wellbeing Service Health & Safety
Ratified by:	 John Lenney, Director of Workforce & OD On behalf of CJNCC (Central Joint Negotiation and Consultation Committee)
Date Ratified:	10 May 2017

Replaces:	EDH052 version 3
How is this different from the previous document?	Undergone full review including new format / template
What dissemination & training arrangements have been made?	This Policy will be available via the Document Management System. Managers / Staff will be informed of updated policy via the weekly staff bulletin Expectation that managers will cascade within area of responsibility via team meetings
Review arrangements:	Review every 3 years or earlier should a change in legislation best practice or other circumstance dictate
Safety Arrangements:	Compliance & effectiveness of this policy will be via accident, incident & complaints monitoring, in addition to compliance audits. Staff experiencing difficulties with implementing this policy should contact their line manager.

Priority Level: 2
Impact Level: Trustwide
Keywords: Alcohol, Drugs, Substance Misuse

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1. What is this Policy for?

1.1 This policy aims to:

- Raise staff awareness of the risks and potential harm to health associated with the use of intoxicating substances and promote sensible and appropriate behaviour.
- Create a climate that encourages employees who may be misusing drugs, alcohol or other substances to come forward and seek help
- Provide a framework to enable instances of drug/alcohol and other substance misuse by employees to be handled in an appropriate, fair and consistent manner
- Comply with all relevant legislation in this area
- Clearly set out the rules regarding the use of intoxicating substances so that employees are aware of the likely consequences for their employment of misusing them
- Clearly set out responsibilities under the policy and set out procedures for managing issues related to drugs, alcohol and other substances
- Achieve a balance between supporting employees who come forward with a problem and the overriding need to preserve:
 - the health, safety and welfare* of employees and others with whom they come into contact
 - the organisation's reputation
 - the delivery of high-quality, effective services

* section 2 of the Health and Safety at Work etc Act 1974

2. Why do I need to know?

- 2.1 To balance the promotion of the general health & well-being of all employees, the safe and efficient running of the Trust together with effective work performance and quality of service to patients.
- 2.2 This policy applies to ALL employees of The Pennine Acute Hospitals NHS Trust.
- 2.3 The Trust also expects agency and casual workers, contractors, volunteers, students and others working on its behalf to comply with this policy. Failure to do so is likely to result in the working arrangements being terminated

3. What is the policy?

3.1 This policy covers the use and misuse of intoxicating substances, which include alcohol, solvents, legal and illegal drugs**, prescription and over-the-counter medicines and other substances that could adversely affect work performance and/or health and safety.

** 'drug' is defined as substances covered by the Misuse of Drugs Act 1971 to be referred to as controlled/recorded drugs, prescribed and over the counter drugs and medication; and glues and solvents

- 3.2 The Trust will, where appropriate to do so, adopt a constructive and supportive approach when dealing with employees who may be experiencing drug or alcohol or other substance dependency/addiction.
- 3.3 This means that employees seeking assistance for a drug/alcohol or other substance misuse problem will not have their employment terminated simply because of their dependence/addiction.
- 3.4 However, if performance, attendance or behaviour is unacceptable, despite any support and assistance that can be offered, ultimately dismissal may be unavoidable.
- 3.5 Where evidence warrants, a Senior Manager will inform the police of illegal drug use or any activity or behaviour over which there are concerns as to its legality. For

- example, it would be necessary to report criminal behaviour associated with alcohol abuse such as having a drink-driving accident in a work vehicle.
- 3.6 No part of this policy will override the Trust's Capability Procedure (EDH031), Conduct and Disciplinary Policy (EDH002) or any employment-related professional code of conduct.
- 3.7 The Trust recognises its responsibilities with regard to the health and welfare of its employees and its patients. Inappropriate use of alcohol/drugs or other substances can damage the health and well-being of employees and have far-reaching effects on their personal and working lives.
- 3.8 At work, alcohol/drug or other substance misuse can result in reduced levels of attendance, sub-standard work performance and increased health and safety risks not only for the individual concerned but also for others, for example, patients.
- 3.9 Furthermore, the effects of alcohol/drug or other substance misuse are likely to be detrimental to the Trust's reputation and image and its ability to deliver high-quality services.
- 3.10 The Trust is committed to providing a safe and productive work environment and to promoting the health, safety and well-being of its employees. The Alcohol, Drug & other Substance Misuse at Work Policy is designed to ensure that employees are aware of the risks associated with alcohol/drug and other substance misuse and the consequences, including the legal consequences, of their actions.
- 3.11 The Trust is committed to take all reasonable steps to reduce, if not eliminate, the risk of injuries or incidents occurring due to individuals suffering from the effects of drug, alcohol or other substance abuse.
- 3.12 The Trust will undertake and regularly review risk assessments to identify and assess the risk associated with drug, alcohol and other substance abuse. The risk assessment will consider the scope of all work activities undertaken by the Trust to determine the appropriate policies and arrangements for managing the risks associated with drug, alcohol and other substance abuse by employees and, where relevant, contractors, patients and the public (see section 2).
- 3.13 The Trust prohibits the drinking of alcohol at any time in the workplace or during working hours. This applies to all employees/workers of the Trust. (See section 2)
- 3.14 The Trust prohibits the use of any illegal drugs or any prescription drugs that have not been prescribed for the user. This applies to all employees/workers of the Trust. (See section 2).
- 3.15 All employees have a legal duty to inform their employer of any situation that could be considered to constitute a risk, and therefore must report any other employee who appears to be under the influence of drugs, alcohol or other substances.
- 3.16 See appendix 2 for policy breaches
- 3.17 See appendix 4 for sources of information, advice and support
- 3.18 See appendix 5 for the legal position
- 3.19 Nothing in this policy prevents the Trust from taking action under the Conduct & Disciplinary policy (EDH002) at any time where warranted by the circumstances.

4. What do I need to do?

4.1 Employee responsibilities

- 4.1.1 All employees are expected to take responsibility for their own behaviour with regards to alcohol consumption and taking prescribed and over the counter drugs. See 4.3.3.
- 4.1.2 Employees are required to familiarise themselves with this policy and comply with its provisions.
- 4.1.3 Staff are expected to present a professional, courteous and efficient image to those with whom they come into contact at all times. They, therefore, have a personal

responsibility to adopt a responsible attitude towards drinking and taking prescribed and over-the-counter drugs.

- 4.1.4 Employees are not permitted to possess, store, trade or sell any drugs on Trust premises or bring the Trust into disrepute by engaging in such activities outside of work. The only exception would be where an employee is in possession of prescribed or appropriate over the counter medication for personal use.
- 4.1.5 Employees are strongly encouraged to seek help if they have concerns regarding their alcohol or drug consumption. It is recommended that they approach either their line manager in the first instance so that the Trust can arrange for the provision of appropriate support to help speedy rehabilitation, for example referral to the occupational health service, medical professionals, professional drug/alcohol treatment agencies, and so on. Alternately an individual may self-refer to the Occupational Health Service.
- 4.1.6 Where an alcohol, drug or other substance misuse problem has been identified, there is an expectation that employees will co-operate with any agreed support and assistance provided by the Trust
- 4.1.7 Employees should not, even with the best of motives, 'cover up' for or collude with, a colleague with an alcohol, drug or other substance related problem but instead should encourage the individual to seek help.
- 4.1.8 Where the individual concerned does not wish to come forward to seek help and their colleague(s) genuinely suspect that the individual may be misusing drugs/alcohol or other substances, the colleagues have a responsibility to raise their concerns with the employee's line manager.

4.2 **Managers are required to:**

- 4.2.1 Be aware of the signs of drug/alcohol and other substance misuse and the effects on performance, attendance and health of employees
- 4.2.2 Ensure the health, safety and welfare of employees and others with whom they come into contact
- 4.2.3 Ensure that staff understand the policy and are aware of the rules and consequences regarding the use of alcohol, drugs and other intoxicating substances
- 4.2.4 Ensure that staff are aware of the support that is available to them should they have a problem.
- 4.2.5 Monitor the performance, behaviour and attendance of employees as part of the normal supervisory relationship
- 4.2.6 Intervene at an early stage where changes in performance, behaviour, sickness levels, attendance patterns are identified to establish whether alcohol or drug or other substance misuse is an underlying cause
- 4.2.7 Provide information, support and assistance, where appropriate and for a reasonable period, to staff who are dependent upon intoxicating substances to help their recovery
- 4.2.8 Where a manager is aware, or has reasonable grounds for suspecting, that an employee is misusing intoxicating substances they must consult the HR team on the approach to be adopted.
 - Such matters will be treated confidentially as far as is legitimately and legally possible. For example, it may be necessary in order to provide effective support for information to be shared with others, for example occupational health and/or other agencies e.g. additional psychological support services provided under a service level agreement.
- 4.2.9 Where highlighted as potential support measure to look for alternative temporary redeployment outside of normal working area
- 4.2.10 Instigate disciplinary measures where appropriate to do so following full and thorough investigation.

4.3 During working hours

- 4.3.1 Employees must report for work and remain throughout the working shift in a fit and safe condition to undertake their duties and not be under the influence of alcohol/drugs or other substances.
- 4.3.2 Employees must not consume alcohol or drugs at any time while at work including during rest or meal breaks spent at or away from work premises. Exceptions apply to drugs prescribed for the individual or over-the-counter medicines used for their intended purpose.
- 4.3.3 Employees who experience side effects as a result of taking prescribed or over-the-counter medicines that impair their ability to perform their duties safely and satisfactorily must notify their line manager immediately.
- 4.3.4 Employees are not obliged to disclose the actual medical condition being treated nor the medication – simply the impact/side effects.
- 4.3.5 For further advice / support please see appendix 4

4.4 Outside working hours

- 4.4.1 Employees must not consume intoxicating substances before coming on duty or when they may be required to attend work at short notice, for example when they are on call.
- 4.4.2 Intoxicating substances such as alcohol may remain in the system for some time and even small amounts can impair performance and jeopardise safety. Employees are personally responsible for allowing sufficient time for the intoxicating substance to leave their system before reporting for work.

5. How will we know if the policy is being used effectively?

5.1

- **Key standard:** No key standards however anticipate a reduction in alcohol related non attendance, unacceptable behaviour and employee relation cases referred to Capsticks
- **Method(s):** Workforce Dashboard reporting including number of formal cases reported, number of referrals to OH
- **Team responsible for monitoring:** Workforce HRBPs in association with Capsticks HR Advisory Service
- **Frequency of monitoring:** Monthly
- **Process for reviewing results and ensuring improvements in performance:** Workforce SMT

6. Abbreviations & Definitions of terms used

CJNCC - Central Joint Negotiation and Consultation Committee
HRBP – Human Resources Business Partner
OHS – Occupational Health Service
SMT – Senior Management Team

7. References

7.1 Supporting References

- The Road Traffic Act 1988
- Transport and Work Act 1992
- The Management of Health and Safety at work Regulations 1999
- Health and Safety at Work Act 1974
- Taking alcohol and other drugs out of the NHS workplace – Department of Health 2001
- Don't Mix It – A guide for employers on alcohol at work – Health & Safety Executive 2007
- Managing drug and alcohol misuse at work – Chartered Institute of Personnel & Development 2007
- Misuse of Drugs Act 1971

8. Appendices

Appendix 1 – Equality Impact Assessment

Appendix 2 - Policy Breaches

Appendix 3 – Procedure for dealing with employees suffering from drug / alcohol or substance misuse

Appendix 4 – Sources of Information, Advice and Support

Appendix 5 – Legal Position

Appendix 1 – Equality Impact Assessment

Equality Impact Assessment for Alcohol, Drugs and Other Substances Misuse at Work

To be completed by the Lead Author (or a delegated staff member)

For each of the Protected Characteristics & equality & diversity streams listed answer the questions below using Y to indicate yes and N to indicate no:	Age	Disability	Ethnicity / Race	Gender	Gender Reassignment	Marriage & Civil Partnership	Pregnancy & Maternity	Religion/belief	Sexual orientation	Human Rights	Carers	Please explain your justification
1. Does the practice covered have the potential to affect individuals or communities differently or disproportionately, either positively or negatively (including discrimination)?	N	N	N	N	N	N	N	N	N	N	N	The policy raises awareness and understanding and provides reasonable support for all staff groups
2. Is there potential for, or evidence that, the proposed practice will promote equality of opportunity for all and promote good relations with different groups?	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	The policy aims to provide a safe and productive work environment and promote the health, safety and well being of employees whilst ensuring that employees are aware of the risks associated with alcohol / drug and other substance misuse and the consequences of their actions. The policy is applied fairly and consistently to all staff groups
3. Is there public concern (including media, academic, voluntary or sector specific interest) in the document about actual, perceived or potential discrimination about a particular community?	N	N	N	N	N	N	N	N	N	N	N	The policy raises awareness and understanding and provides reasonable support for all staff groups
Your Name: Michelle Waite	Your Designation: Operations Manager, OHS						Signed*: <i>M. J. Waite</i>		Date: 7 Dec 2016			

To be completed by the relevant Equality Champion following satisfactory completion & discussion of answers above with author

Equality Champion: Catherine Gardner	Directorate: Workforce						Signed*: <i>C Gardner</i>		Date: 9/5/17			
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*Please scan or insert electronic signature

Appendix 2 – Policy Breaches

Please see sections 3.2 to 3.6

Notwithstanding the above, there will be circumstances where breaches of the policy, whether dependency-related or not, will be treated as a disciplinary matter and may result in the summary dismissal of the employee. Examples of issues that will be subject to disciplinary action, including the possibility of dismissal, are:

- Deliberate disregard for personal safety and that of others associated with the use of intoxicating substances
- Unacceptable behaviour in the workplace associated with the use of intoxicating substances
- Being found incapable of performing normal duties satisfactorily and safely as a result of consuming alcohol or taking drugs/other substances
- Consuming intoxicating substances during the working day including rest and lunch breaks or when rostered on call and liable to be called upon to work at short notice
- Possession, consumption, dealing/trafficking, selling, storage of controlled drugs on work premises
- Being disqualified from driving as a result of alcohol- or drug-related offences where employees are required under their contract of employment to drive a vehicle
- making malicious or vexatious allegations that a colleague is misusing intoxicating substances

This list is illustrative only and should not be regarded as exclusive or exhaustive. Disciplinary action will be in all cases proportionate to the circumstances of the breach of the policy and will be investigated and heard in accordance with the Trust's Conduct and Disciplinary Policy (EDH002) or Handling Concerns about Medical Staff (EDH010)

Appendix 3 – Procedure for dealing with employees suffering from drug / alcohol or substance misuse

The Trust aims to assist employees who, at any time, and for any reason, may be suffering from alcohol, drug or other substance misuse to obtain specialist help. Should an employee be found to have such a problem, then the Trust is committed to offering every assistance in accordance with the principles of this policy.

The procedural arrangements are as follows and must be read in the context of the whole policy document

Step 1

Immediately a supervisor/manager or colleague has reason to suspect that an employee has an alcohol, drug or other substance problem, he /she must draw this to the attention of the Line Manager concerned.

Step 2

The manager will then arrange to interview the employee and should advise them it is their right to be accompanied by a staff representative or work based colleague if so desired.

During the interview

- The manager should enquire of the employee whether he/she has a health/personal problem, which might be a contributing factor.
- Any reported concerns about the use of alcohol, drugs or other substances should be raised in a sensitive manner, if the employee concerned does not raise the issue first.
- Managers must remain neutral and non judgmental on alcohol, drug or other substance misuse. The aim should be to persuade the employee to admit to their problem and, if it exists, to seek help.

Note:

Managers should be aware of their legal obligations with respect to the possible use of illegal substances and if deemed appropriate, to discuss with the HR Service prior to reporting the matter to the police if warranted by the circumstances.

Step 3

In the event of the employee denying that there is any health problem, the manager should, nevertheless, offer the opportunity of referral to the Occupational Health & Wellbeing Service and/or seek advice as necessary.

- Where the Occupational Health & Wellbeing Service confirms that the employee has an alcohol, drug or other substance problem, a recovery/support programme will be agreed in conjunction with the employee. This may be whilst the employee remains at work, or alternatively is absent due to certified sick leave.
- It should be noted that where specific alcohol related blood tests are required, as part of a recovery / support programme, it is expected that the employing manager / department will fund the costs of these tests to support the health & wellbeing of the individual.
- Any tests which are agreed to by the employee are voluntary and will only be undertaken with the consent of the member of staff

Step 3a

If the employee accepts the programme offered, then he/she will return to normal work if considered fit by the Occupational Health Service. Where there is a risk of recurrence of the drug, alcohol or other substance misuse, or a risk to the welfare and safety of patients or employees a suitable alternative post should be considered on a temporary basis in line with the Trust's redeployment guidelines.

- Following satisfactory completion of treatment every effort will be made to return the employee to his/her previous position within the Trust. However, each case will have to be considered on its

merits to protect the statutory responsibilities of the Trust and to ensure that professional standards and the needs of patients are afforded the highest priority.

Step 3b

If the employee does not accept the recovery programme offered, the Occupational Health & Wellbeing Service will refer him/her back to the Manager, if possible indicating when it is likely the employee will be fit to return to work and in what capacity. The Manager will then proceed as per step 4a below.

Step 3c

If the Occupational Health & Wellbeing Service advises that the employee has no health problem relating to alcohol, drug or other substance misuse, the Manager must assess the position, and proceed as per step 4a below.

Step 4a

Actions in relation to staff who reject an offer of support, or who are deemed by the Occupational Health & Wellbeing Service not to have a health problem relating to alcohol, drug or other substance misuse, may include progression under the Trust's Capability policy (EDH031) and procedure or Attendance Management and Sickness Absence policy (EDH027). Alternatively, action under the Trust's Conduct and Disciplinary policy may be appropriate, pending a full investigation of the incident, the outcome of which may result in disciplinary action up to and including dismissal.

Step 4b

If after a reasonable period of time the assistance provided, with guidance from the Occupational Health & Wellbeing Service, has not resulted in a satisfactory improvement, the manager should proceed as per step 4a above.

Appendix 4 – Sources of Information, Advice and Support

Occupational Health Service

Employees with an alcohol, drug or other substance problem affecting their health, work or domestic circumstances may seek help from Occupational Health. Referral maybe on a self-help basis or by colleagues or management concerned about the person's work performance or absences from work.

Local Community Alcohol and Drugs Services

Oldham - The Gateway and First Step, 5 Horsedgate Street, Oldham, OL1 3SX **Tel:** 0161 716 3666

Heywood, Middleton and Rochdale - 11-14 St Chads Court, Rochdale, OL16 1QU **Tel:** 01706676500

Manchester - 43a Carnarvon Street, Manchester M3 1EZ **Tel:** 0161 226 5526

Help lines & Networks:

Drinkline – a government-funded free service. Can provide advice to the alcohol drinker or anybody concerned about the drinker. Has a database of local support and treatment services that can help the drinker.

Helpline: 0300 123 1110 Website: www.drinkaware.co.uk

Talk to FRANK – a government-funded free service, previously named the National Drugs Helpline. Can provide advice to the drug user or anybody concerned about the drug user. Has a database of local support and treatment services that can help the drug user. The focus of the helpline is for young people and concerned parents, but will also assist adult drug users.

Helpline: 0300 123 6600 Website: www.talktofrank.com

The website provides detailed information on drugs that the non-specialist can understand.

Alcoholics Anonymous – the largest self-help group for people who acknowledge they cannot handle alcohol, and want a new way of life without it. Services are free.

Helpline: 0800 9177 650 Website: www.alcoholics-anonymous.org.uk

The comprehensive website explains the philosophy of AA, what to expect, and local groups.

Narcotics Anonymous – the largest self-help group for people who want to stop using drugs. Services are free.

Helpline: 0300 999 1212 Website: www.ukna.org (includes details of local groups)

Cocaine Anonymous – national self-help group specifically for cocaine users.

Helpline: 0800 612 0225, open 10:00am to 10:00pm Website: www.cauk.org.uk/index.html

Adfam National – the largest non-statutory organisation that works with and on behalf of families affected by drug and alcohol problems. Helpful for the family of the alcohol or drug user.

Website: www.adfam.org.uk Tel: 020 3817 9410 (please note this is not a helpline)

The **Home Office** website for drugs policy includes a contact list of drug (and alcohol) action teams responsible for co-ordinating drug and alcohol treatment services in each English local authority area. These local teams should be able to advise on which specific treatment agency the alcohol/drug user should approach in their local area. Website: <http://www.homeoffice.gov.uk/drugs/>

Appendix 5 – Legal Position

The Trust has a general duty under the Health and Safety at Work etc Act 1974 to ensure as far as is reasonably practicable, the health, safety and welfare of its employees.

To knowingly allow an employee to work under the influence of excess alcohol or intoxicating substance, places the employee or others at risk and the Trust liable to prosecution. Similarly employees have a duty “to take reasonable care of him/herself and of other persons who could be affected by his/her acts or omissions at work”.

The Road Traffic Act 1988 and Transport and Work Act 1992 also make it a criminal offence to drive or attempt to drive or for specified jobs to be performed while unfit through drink or drugs.

The Trust also has a responsibility under The Management of Health and Safety at Work Regulations 1999, to ensure suitable and sufficient assessment of risks arising from workplace activities are undertaken, this includes risks arising from potential drug and alcohol use. The Regulations also place a duty on employers to undertake specific risk assessments for vulnerable persons.

All employees have a legal duty to inform their employer of any situation that could be considered to constitute risk, and therefore must report any other employee who appears to be under the influence of drugs, alcohol or other substances.

The Misuse of Drugs Act 1971 Act defines those activities which are illegal in relation to the drugs it controls (this is why certain drugs are called controlled). Such activities include:

- possession (just having the drug);
- possession with the intention of supplying the drug to another person;
- production (including cultivation);
- supplying or offering to supply another person (this includes giving, selling, sharing, bartering etc);
- import or export;
- allowing premises you occupy or manage to be used for supplying or offering to supply drugs

These activities (other than the first and last on the list) are known as trafficking offences.