

Livewell Southwest

**Substance Misuse  
– Drug and Alcohol Policy**

Version No 4

Review: September 2018

**Notice to staff using a paper copy of this guidance.**

**The policies and procedures page of LSW intranet holds the most recent version of this document and staff must ensure that they are using the most recent guidance.**

**Author: Human Resources**

**Asset Number: 194**

## Reader Information

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| <b>Category</b>                              | Non clinical   |
| <b>Document purpose/summary</b>              | This Policy provides information and guidance to managers and staff on alcohol and substance abuse and Livewell Southwest (LSW) zero tolerance approach to the use of alcohol or substances in the workplace. Guidance is provided for managers or individuals who suspect a colleague has an alcohol or substance abuse problem and individuals themselves who recognise they have a problem. |
| <b>Author</b>                                | HR Managers  |
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| <b>References/sources of information</b>     | <ul style="list-style-type: none"> <li>• Devon Partnership Trust</li> </ul>  |
| <b>Associated documentation</b>              | <ul style="list-style-type: none"> <li>• Disciplinary Policy</li> <li>• Dismissal Policy</li> <li>• Performance Management Policy</li> <li>• Sickness Policy</li> </ul>  |
| <b>Supersedes document</b>                   | All previous versions.   |
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## Document Version Control

| Version Number | Details e.g. Updated or full review | Date             | Author of Change                           | Description of Changes and reason for change  |
|----------------|-------------------------------------|------------------|--|---|
| 1              | New Policy                          | 2004             | Mike Williams:<br>Deputy<br>Director of HR | Not Adopted.  |
| 2              | Full review                         | Sept<br>2006     | Sue Behenna<br>and Mike<br>Williams        | (i) To include more<br>information on alcohol and<br>its effects.<br>(ii) To include more in-depth<br>information on drugs. |
| 2:1            | Redraft                             | Oct 2006         | Jade Brelsford                             | Updated to comply with<br>corporate standards and meet<br>diversity needs.  |
| 3.0            | Full Review                         | January<br>2008  | Sue Behenna                                | Minor updating  |
| 3.1            | Update                              | February<br>2008 | Sue Behenna                                | Minor updating in line with<br>comments received from Staff<br>Side Committee   |
| 3.2            | Update                              | 27.02.08         | Sue Behenna                                | Minor changes as agreed at<br>JCCN  |
| 3.3            | Update                              | 28.04.08         | S Edmunds/S<br>Behenna                     | Prepared for publication and<br>changes to reflect Provider<br>Governance Committee<br>comments                             |
| 3.4            | Update                              | 30.04.08         | S Behenna                                  | Minor change following advice<br>from Harbour Centre  |
| 3.5            | Reviewed                            | January<br>2010  | M Williams                                 | Reviewed, no changes made.  |
| 3.6            | Reviewed                            | Jan 2012         | Author                                     | Review date extended, no<br>other changed made.   |
| 3.7            | Reviewed                            | Sept<br>2012     | PRG  | Review date extended, front<br>cover added.   |
| 3.8            | Reviewed                            | February<br>2014 | Author                                     | Review date extended, no<br>other changed made.   |
| 3.9            | Extended                            | October<br>2014  | Author                                     | Review date extended, no<br>other changed made.   |
| 4              | Update                              | July 2015        | HR Manager                                 | Updated in line with current<br>best practice and guidelines  |

N.B. Version 3.2 was approved by the Provider Governance Committee for insertion on the Healthnet on 3<sup>rd</sup> April 2008.

## Contents

| <b>Section</b> | <b>Content</b>                       | <b>Page No</b> |
|----------------|--------------------------------------|----------------|
| 1              | Introduction                         | 5              |
| 2              | Purpose                              | 5              |
| 3              | Definitions                          | 6              |
| 4              | The Law on Drugs and Alcohol at Work | 6              |
| 5              | Duties                               | 6              |
| 6              | Employees Responsibilities           | 7              |
| 7              | Conduct outside of work              | 8              |
| 8              | Human Resources                      | 8              |
| 9              | Procedure                            | 8              |
| 10             | Confidentiality                      | 9              |
| 11             | Monitoring                           | 9              |
| 12             | References                           | 9              |
| Appendix 1     | Manager's Guidance                   | 11             |

# Substance Misuse – Drugs and Alcohol Policy

## 1. Introduction

- 1.1 Livewell Southwest (LSW) recognises that substance abuse and alcohol related problems within the general population mean that there will inevitably be members of staff with such problems. Drugs and alcohol have an impact on cognitive performance and are associated with cognitive failures at work. This may have implications for the safety or care of patients and the health and safety of an employee and their colleagues. Therefore LSW operates a zero tolerance approach to the use of alcohol or substances in the workplace.
- 1.2 LSW is committed to the wellbeing of its employees and to supporting those employees with health issues related to alcohol or substance abuse to seek help.
- 1.3 This zero tolerance approach to the use of alcohol or substances in the workplace applies to all staff, contractors visiting and/or working for the organisation, students and volunteers. For the purposes of this Policy the latter are referred to as “employees”.

## 2. Purpose

- 2.1 The purpose of this Policy is:
  - To ensure that LSW meets its obligations to safeguard the health, safety and welfare of its employees and patients using its services
  - To prevent and reduce the incidence of alcohol and substance related problems in the workplace
  - To recognise that alcohol and substance dependency is a health issue and to ensure that employees experiencing these difficulties have access to appropriate help
  - To foster a climate which will encourage individuals experiencing these problems to come forward for help in the knowledge that they will receive support and fair treatment
  - To facilitate the recovery of employees who develop alcohol and substance abuse problems
  - To give managers a clear framework within which to deal with alcohol and substance abuse problems constructively
  - To ensure employees are aware of their responsibilities in relation to their employment, health and safety and the law.

### **3. Definitions**

#### 3.1 Alcohol and substance abuse at work:

- any drinking of alcohol
- any use of illegal non-prescribed drugs
- any misuse of prescribed or over the counter medication
- any use of any other substance of abuse, e.g. solvents
- any use of legal highs (novel psychoactive substances)
- which has the potential to interfere with an employee's functioning and performance in any aspect of their job. This definition covers usage outside the workplace but where the effects have or may have an impact on an employee's functioning at work or employment.

### **4. The Law on Drugs and Alcohol at Work**

#### 4.1 Health and Safety at Work Act 1974:

- All employers have a general duty to ensure the health, safety and welfare of employees. If an employer knowingly allowed an employee under the influence of alcohol or drugs to continue working and this placed the employee or others at risk, the employer could be liable to criminal charges.
- Employees are also required to take reasonable care of themselves and others who could be affected by what they do. They too could be liable to criminal charge if their alcohol consumption or drug taking put safety at risk.

### **5. Duties**

#### 5.1 Line Mangers

5.1.1 To be responsible for ensuring employees are aware of this Policy and for investigating and referring to the Occupational Health and Wellbeing (OH) when an employee is suspected of having an alcohol or substance abuse related problem.

5.1.2 To make an initial judgement about whether the employee is fit to remain in the workplace until an Occupational Health assessment can be obtained.

5.1.3 To recognise a problem by a changing attitude to work by employees which may be evidenced through poor punctuality, poor attendance, declining performance, the smell of alcohol on the breath or behaviour

suggestive of intoxication, changes in mood and levels of cooperation with colleagues and declining personal standards of dress and hygiene.

## **5.2 Occupational Health and Wellbeing (OH)**

5.2.1 The OH is responsible for advising on an affected employee's fitness for work and ensuring that the employee who accepts help is referred on to an appropriate agency. The OH operates within strict rules of medical confidentiality and any medical information obtained within the context of clinical activities will not be released without the consent of the individual concerned other than in exceptional circumstances as laid down professional bodies. Consideration will be given to an Out of Area referral where the employee requests this.

## **6. Employees Responsibilities**

- 6.1 Seeking help if they have an alcohol or a substance abuse problem that is likely to have an impact on their performance at work.
- 6.2 Not to report for duty under the direct influence or physical or psychological withdrawal features of any substance that affects their ability to carry out their duties and to inform their manager as soon as possible that they are unfit for work.
- 6.3 Not to report for duty following any misuse on drugs or alcohol that may impact upon performance.
- 6.4. Not to bring alcohol or substances for consumption/abuse onto LSW premises.
- 6.5. Not to consume alcohol or use substances of abuse whilst at work, including during meal or other breaks or when undertaking standby or on-call duties. Where staff are booked into overnight accommodation in the course of fulfilling a work obligation, e.g. residential course, conference etc., the consumption of alcohol should be limited to the recommended/safe daily limits.
- 6.6. To advise their manager if they are taking any prescribed drugs which may impair their performance at work.
- 6.7. To continue to communicate with their line manager during periods of absence from work.
- 6.8. To encourage colleagues whom they suspect have a problem to seek help via the OH or by discussion with their line manager. If the colleague refuses to seek help, employees have a duty to bring their concerns to the attention of their line manager.
- 6.9. To inform LSW and any relevant professional body if they receive a caution, conviction, reprimand or warning in relation to an alcohol or drug related offence.

## **7. Conduct Outside of Work**

- 7.1 Employees have a duty to maintain their reputation and that of their employers and their profession, in order to maintain confidence in the organisation. Evidence of substance misuse outside of work may, where the misuse is serious, be taken account of in this Policy and may result in disciplinary action, e.g. conviction for Supplying Illegal Drugs.

## **8. Human Resources**

- 8.1 To provide support and advice to line managers in relation to employees with or suspected substance abuse problems.

## **9. Procedure**

- 9.1 It is recognised that alcohol and substance abuse problems are primarily matters of health and social concern with which sufferers need help.
- 9.2 Employees who suspect or are aware that they have an alcohol or substance abuse related problem are encouraged to seek help through the OH or directly with an appropriate agency.
- 9.3 If a manager has concerns regarding an employee having an alcohol or substance abuse problem which is affecting their conduct and/or performance at work, the manager, in conjunction with an HR Representative, must address this directly with the employee.
- 9.4 The employee will be offered the opportunity to seek assessment from OH who will refer for treatment to an appropriate agency if necessary. With the employee's consent, OH will keep the employee's GP informed of progress.
- 9.5 Leave to undergo treatment will be dealt with under the normal sick pay provisions.
- 9.6 OH will advise on fitness to return to work and any job modification, temporary or permanent redeployment necessary as a result of the individual's alcohol or substance abuse problems.
- 9.7. An employee identified as having a potential problem whose behaviour or performance at work continues to be a source of concern will be subject to normal disciplinary procedures.
- 9.8 Alleged alcohol/drug abuses are categorised as gross misconduct under LSW's Disciplinary Policy and, if substantiated, may result in dismissal.
- 9.9 Consideration will be given by the Professional Lead as to whether it is appropriate to refer a professional practitioner to their relevant professional body. Where a decision is taken to make a referral the employee will be informed in writing.

- 9.10 Any individual who is suspected having drunk any alcohol or being under the influence of any substance whilst on duty will be subject to LSW's Disciplinary Policy. Managers should ensure that the employee leaves the workplace safely and arrange to interview them after a suitable interval to establish the circumstances and determine a suitable course of action to address the issue. Where required, managers may need to arrange alternative transport, for example a taxi to ensure that a member of staff does not drive under the influences of any substance.
- 9.11 The supplying of drugs of abuse to other people is a criminal offence. Any employee found or suspected of undertaking this activity will be reported to the Police and will be subject to LSW's disciplinary procedures.
- 9.12 Theft of medications from LSW for either personal use or supply to others is also a criminal offence. Any employee found or suspected of undertaking this activity will be reported to the Police and will be subject to LSW's Disciplinary Policy.

## **10. Confidentiality**

- 10.1 Confidentiality will be maintained at all times and records and correspondence will be restricted to as few people as necessary and practicable.

## **11. Monitoring**

- 11.1 The Policy will be monitored by Human Resources and the OH Team.

## **12. References**

ACAS (2011) *Health, Work and Wellbeing*. Available at:  
<http://www.acas.org.uk/media/pdf/3/t/Health-work-and-wellbeing-accessible-version.pdf>

**All policies are required to be electronically signed by the Lead Director. Proof of the electronic signature is stored in the policies database.**

**The Lead Director approves this document and any attached appendices. For operational policies this will be the Locality Manager.**

**The Executive signature is subject to the understanding that the policy owner has followed the organisation process for policy Ratification.**

**Job Title: Head of Human Resources**

**Date: 8 August 2015**

# Substance Misuse – Drugs and Alcohol Policy – Managers Guidance

## Recognising a problem

Drugs and alcohol have an impact on cognitive performance and are associated with cognitive failures at work. This may have implications for the safety or care of patients and the health and safety of an employee and their colleagues, and the public, for example driving whilst under the influence of drink or drugs.

Recognising the signs of drug and alcohol problems can be difficult. If managers have a good rapport with employees they are more likely to pick up on:

- sudden changes in behaviour
- abnormal fluctuations in mood and energy
- deterioration in relationships with other people
- patterns of absenteeism

Drug and/or alcohol issues may be also recognised by a changing attitude to work by employees which may be evidenced through poor punctuality, poor attendance, declining performance, the smell of alcohol on the breath or behaviour suggestive of intoxication, changes in mood and levels of cooperation with colleagues and declining personal standards of dress and hygiene.

**Dealing with someone you suspect may have a problem** – When you become aware of the issue or potential issue, you should:

- keep accurate, confidential records of instances of unsatisfactory performance or other problems
- interview the worker in private as early as possible in the process
- concentrate on the instances of unsatisfactory performance that have been identified
- ask for the worker's reasons for unsatisfactory performance and question whether it could be due to a health problem, without specifically mentioning alcohol or drugs
- if appropriate, discuss LSW's Substance Misuse – Drugs and Alcohol Policy and the help available via Occupational Health

- agree future action
- arrange regular meetings to monitor progress and discuss any further problems if they arise. You should also seek advice from your HR representative and make an initial judgement about whether the employee is fit to remain in the workplace until an OH assessment can be obtained.

**Dealing with an employee you suspect is on duty under the influence of drugs and/or alcohol** – there may be times when you suspect an employee on duty is under the influence of drugs and/or alcohol. In these circumstances you should contact your HR representative as soon as possible. You should also make an accurate confidential record of your concerns, for example, outlining the employee smelt of alcohol, slurring words etc. which should be signed and dated by you.

Any individual who is suspected having drunk any alcohol or being under the influence of any substance whilst on duty will be subject to LSW's Disciplinary Policy. Managers should ensure that the employee leaves the workplace and arrange to interview them after a suitable interval to establish the circumstances and determine a suitable course of action to address the issue. **Advice should be sought from your HR Representative.**

**Support Available** – support is available to employees through OH. OH is responsible for advising on an affected employee's fitness for work and ensuring that the employee who accepts help is referred on to an appropriate agency.

**References:**

ACAS 2012, <http://www.acas.org.uk/index.aspx?articleid=1986> Accessed 16 March 2012