

Drug, Alcohol & Other Substance Misuse

Human Resources Policy No. W34

Additionally refer to: Employee Performance Management Policy
 Handling Concerns about Doctors and Dentists Policy
 Employee Wellbeing and Attendance Management Policy
 Key pieces of legislation relating to this policy are in section.

Version:	V4.1
V1 issued	June 2005
V3 approved by	JNCC
V3 date approved	TBC
V3 Ratified by:	Operational Workforce Committee
V3 Date ratified:	TBC
Document Lead	HR Advisory Team
Lead Director	Workforce Director
Date issued:	February 2022
Review date:	February 2025
Target audience:	All Staff

Version Control Sheet

Document Lead/Contact:	HR Advisory Team, sath.hradvice@nhs.net
Document ID	W34
Version	V4.1
Status	Final
Date Equality Impact Assessment completed	February 2022
Issue Date	February 2022
Review Date	February 2025
Distribution	Please refer to the intranet version for the latest version of this policy. Any printed copies may not necessarily be the most up to date
Key Words	Drugs, Alcohol, Substances, Misuse
Dissemination	HR Intranet and Internet Pages, Staff Update by email, email to users of Managers Resources folder

Version history

Version	Date	Author	Status	Comment
1	Nov 2006	Head of HR	Final	
2	May 2008	Head of HR	Final	
3	Feb 2013	Senior HR Manager	Final	Reformatted; general update;
4	March 2021	HR Advisor	Draft	Reworded, additional guidance added, responsibilities section added. Amendments based on staff-side feedback.
4.1	Sept 23	Diana Martin	Draft	Staff Psychological Service information added.

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1. POLICY STATEMENT

This policy outlines the processes in place for employees affected by drug, alcohol and/or other substance misuse, and to help protect them from the dangers of misusing drugs, alcohol and/or other substances. It outlines the support that is available for employees who are affected by such issues and provides guidance for the management of employees who may be misusing drugs, alcohol, or other substances.

2. INTRODUCTION

- Many employees of the Trust have close contact with patients and members of the public, especially those employees who are responsible for delivering direct patient care. The Trust's role as a health promoting organisation requires that employees are able to perform at all times competently and safely to meet the high standards expected of the Trust. This policy sets out those standards.
- The Trust recognises that to meet its responsibilities there must be no risk from employees that their co-ordination and judgement may be impaired by the influence/misuse of drugs, alcohol, or other substances. This policy provides guidance for managers and employees and sets out clear restrictions for the consumption of drugs, alcohol, or other substances where it may relate to work activity.

3. SCOPE

- This policy will apply to **ALL** Trust employees (including employees working from home) and those workers from other health or social care providers or educational establishments working within Trust premises, volunteers, private contractors, their employees, and agency workers.
- The policy covers: -
 - The misuse of drug, alcohol, and other substances
 - Being under the influence of drugs, alcohol, or other substances whilst on duty or on Trust premises (including working from home), and
 - Possession of illegal drugs as well as over the counter drugs, prescription only medicines and psychoactive drugs.

4. GENERAL PRINCIPLES

- Every employee has a personal and professional responsibility to ensure that they can perform their duties in a safe and satisfactory manner. Employees must not misuse drugs, alcohol or other substances at any time whilst working for the Trust. Such actions may, in accordance with the Disciplinary Policy, be deemed as gross misconduct and lead to disciplinary action.
- Alcohol must not be provided at any events held on Trust premises, including those held after normal work hours, except where specifically authorised by the Chief Executive, an Executive Director or Chairman.
- Employees must not attend work when their health, work performance, conduct or social functioning is adversely affected by the misuse of drugs, alcohol, or other substances. This could lead to disciplinary action, which could result in dismissal. Employees are advised that drugs, alcohol, and other substances continue to affect performance for many hours after their consumption.

- It is recognised that drugs, alcohol, and other substance misuse is a health problem and employees who have such problems will be dealt with sympathetically. The Trust will do all that it can to provide support and help those employees to enable them to overcome their problem.

The Trust acknowledges that there will be staff who are required to take prescribed medication or controlled drugs related to their medical condition whilst at work. The Trust will support employees to continue to work but if the ability to perform their role is impacted then they will be referred to Occupational Health.

- Additional education on drugs, alcohol and other substance misuse can be accessed through the e-learning for healthcare portal and includes sessions on Alcohol, Alcohol Stigma and Substance Misuse.

5. ROLES & RESPONSIBILITIES

Trust Board

- The Board has responsibility to oversee this policy and ensure that appropriate processes and actions are in place and employees are treated in a fair, consistent, and supportive manner.
- The Trust recognises that to meet its responsibilities there must be no risk from employees that their co-ordination and judgement may be impaired by the influence/misuse of drugs, alcohol, or other substances.

Managers

- Managers are responsible for ensuring employees are aware of this policy and its contents And responsible for ensuring that high standards are maintained, bringing any concerns they may have about a particular employee to their attention in a timely and sensitive manner.
- Managers are not expected to diagnose or attempt to treat suspected drug, alcohol, or other substance misuse problems. Their role is to monitor job performance and attendance to identify a deteriorating pattern of performance and/or attendance and to take corrective action.
- Managers have a duty of care to their employees and will need to be aware at the onboarding stage of the recruitment process and during the employment of their staff to record on the individual's personal file if they are taking prescribed medication or controlled drugs that may impact on their ability to carry out their role safely. They are required to refer the employee to Occupational Health if the individual's performance is impacted in any way as a result of the medication they are taking. They also should ensure that Occupational Health remain involved if circumstances change.
- Managers should ensure that confidentiality is maintained at all times with regard to an employee's medical condition where prescribed or controlled drugs are being taken.

Workforce Directorate

- The Workforce Directorate team will provide advice and guidance to support managers and employees to ensure that appropriate processes and actions are in place and employees are treated in a fair, consistent, and supportive manner.

Employees

- Employees are responsible for being able to always perform competently and safely to meet the high standards expected of the Trust.
- Every employee has a personal and professional responsibility to ensure that they can perform their duties in a safe and satisfactory manner. This is particularly important for front line staff and staff who are operating machinery or driving whilst on Trust business.
- Employees must not misuse drugs, alcohol, or other substances at any time during their working shift. Such actions may, in accordance with the Disciplinary Policy, be deemed as gross misconduct, warranting summary dismissal.
- Employees must not attend work when their health, work performance, conduct or social functioning is adversely affected by the misuse of drugs, alcohol, or other substances.
- All employees must comply with the policy Scope set out in Section 3. Employees who fail to comply with these standards will be subject to disciplinary action, which could result in their dismissal from the Trust.
- All employees have a duty of care to report concerns to their line manager or an appropriate manager in a confidential manner when they suspect another employee has a drug, alcohol, or other substance misuse problem, which may be affecting their work or conduct.
- Employees must notify their line manager and Occupational Health (if appropriate) if they are taking prescribed medication or controlled drugs to support their health condition. If the employee's prescription changes then they should in turn notify their line manager and Occupational Health if appropriate.

Employee representation

- An employee has the right to be represented, if they wish, at any formal stage of proceedings by either a representative from a recognised TUPO or a Trust employed work colleague. When employees specifically request representation at the informal stages of the process, where it is supportive to the individual and therefore deemed appropriate, the Trust will consider this favourably. For further advice refer to HR.
- It is strongly advised by the Trust and Staff Side that should this procedure be invoked that the employee seeks the support of their TUPO where applicable. It is the employee's responsibility to liaise with their representative to arrange support. The Trust will facilitate time off for accredited TUPOs and workplace colleagues acting as support to the employee.

Accountable Officer for Controlled Drugs

- The Trust's Accountable Officer for Controlled Drugs (currently the Chief Pharmacist) must be notified of any disciplinary matters relating to medicines. They are then responsible for ensuring the legal requirements relating to the Health Act 2006 are complied with. This includes notifying regulators (eg the CQC, NHS England) and statutory bodies (eg the Police).

Occupational Health

- Occupational Health will provide advice and support to employees who have, or suspect that they may have, a drug, alcohol or other substance misuse problem and provide counselling support for any employee seeking assistance.

Staff Psychological Service

- The Staff Psychology Service is available to support any member of staff who is experiencing emotional distress in relation to a work-related issue. Individuals wanting to access their support can refer themselves by emailing: sath.staffpsychology@nhs.net or a manager can refer on their behalf. Information about the service is also available on the intranet: [SaTH Intranet - Staff Psychology Service](#)

6. DEFINITIONS

- For the purpose of this policy, the terms 'drug misuse', 'alcohol misuse' and 'substance misuse' means the use of alcohol, legal or illegal drugs, solvents, or other substances (including over the counter, prescription only and psychoactive drugs) in an excessive, habitual, or harmful way or in any other way that results in an impairment to the user's health and safety, work performance, conduct at work or social functioning.
- '**Inappropriate drinking**' is where a person is under the influence of alcohol or consumes alcohol whilst on duty but does not admit to having an alcohol dependency problem. Such situations will be dealt with in accordance with the Trust's Disciplinary Procedure.

7. POLICY STANDARDS

- All employees must comply with this policy.
- Patients, relatives, and visitors must not use or be in possession of alcohol, illegal drugs, or other substances on Trust premises. In these circumstances employees should refer to the Trust's Patient Advice and Liaison Service (PALS) service where they suspect patients, visitors and relatives are in possession of or under the influence of alcohol, drugs, or other substances.
- In addition to notifying PALS, employees should inform their ward/department manager and contact the Pharmacy Department where a patient, relative or visitor is found in possession of drugs, alcohol, or other substances. . If this occurs out of hours, employees should contact the clinical site manager and the on-call pharmacist.
- Contractors must comply with the requirements of this policy. In the event of a contractor failing to comply then they should be instructed to leave the site immediately and the future of the contract reviewed by the appropriate manager.

8. IDENTIFYING THE PROBLEM

- Managers are not expected to diagnose or attempt to treat suspected drug, alcohol, or other substance misuse problems See Appendix A for further Guidance for Managers.
- All employees have a duty of care to report concerns when they suspect another employee is demonstrating signs of a potential drug, alcohol, or other substance misuse problem, which may be affecting their work or conduct. This should be raised with their line manager, who will treat the matter in a confidential manner, or alternatively report the matter to HR. or through the Freedom to Speak Up Guardian for the Trust. Raising Concerns (Whistleblowing) Policy can be used as a last resort if the other avenues have not addressed the concern.
- If an employee arrives for work whilst under the influence of drugs, alcohol or other substances and deemed by the manager to be unfit for work, he/she will be sent home immediately (transport will be arranged if necessary) and suspended on full pay until they are fit for work (see guidance for managers Appendix A). Any decision to suspend should be

taken by an Executive Director of the Trust in conjunction with the Workforce Director or his/her nominated deputy. When this is not possible the manager should liaise with the senior manager/Executive Director on call and then inform the Workforce Director or his/her nominated deputy as soon as possible after the event.

The incident will then be fully investigated, and appropriate action may be taken in accordance with the Trust's Disciplinary Policy or Employee Wellbeing and Attendance Management Policy depending on the circumstances of the incident.

9. ASSISTANCE FOR EMPLOYEES WITH DRUG, ALOCHOL OR OTHER SUBSTANCE ISSUES

- Employees, who have, or suspect that they may have, a drug, alcohol or other substance misuse problem will be given every opportunity to seek help or advice from either the Occupational Health Service or from a recognised external agency (see Appendix C).
- If an employee needs to be absent from work to undergo a programme of treatment, the absence will be regarded as normal sickness absence and will be managed in accordance with the Employee Wellbeing and Attendance Management Policy. Sick pay will be paid in accordance with the normal terms and conditions of service, provided the employee's manager has received confirmation from Occupational Health or a doctor that the employee is participating in a recognised programme of treatment. Where an employee can continue working during the treatment period, then reasonable time off with pay will be granted for them to attend appointments.

Employees may refer themselves directly to Occupational Health. The self-referral will remain confidential between the individual and Occupational Health unless time off, with or without pay, is required or Occupational Health decide that the employee is unfit for work. When an employee needs time off, he/she should request this through their manager.

- The employee should contact Occupational Health directly either by telephone or in person (See Appendix C).
- Occupational Health will discuss the problem with the employee, and where appropriate will refer them to their own General Practitioner or an external agency. Alternatively, an employee may approach an external agency directly (see Appendix C).
- Occupational Health **will not** carry out blood and/or urine tests without the employee's express consent to assess whether an employee is under the effects of drugs, alcohol, or other substances. However, refusal to undertake a blood and/or urine test may result in suspension and disciplinary action under the Disciplinary Policy.
- The existence of a drug, alcohol or substance misuse problem often becomes apparent through poor work performance, poor attendance record or behaviour or relationship problems at work. Where the employee acknowledges that a problem at work is a result of, or has been influenced by, a drug, alcohol, or other substance misuse problem, he/she should be referred to Occupational Health before any formal action is taken (see Occupational Health Service Policy HR65). When an employee accepts such a referral, any ongoing disciplinary action may be suspended until a medical report is received from the Occupational Health doctor. In appropriate cases, arrangements may be made for the employee to remain at home with pay, pending receipt of the report.
- Incidents resulting from employees being under the influence of drugs, alcohol or substances may, if they are in management's opinion sufficiently serious, be regarded as gross misconduct which may result in summary dismissal, even if a drug, alcohol, or substance misuse problem is acknowledged, and treatment is currently being received.

- The confidentiality of the employee referred by management to Occupational Health will be strictly confidential by all those involved. However, if the employee remains at or returns to work, Occupational Health may need to advise the managers about relevant health and safety issues relating to the employee's workplace. In such cases, Occupational Health will gain the employee's consent before personal information is disclosed.
- The process for management referrals to Occupational Health:
 - i. The manager should discuss the problem fully with the employee and then make a written referral to Occupational Health.
 - ii. Occupational Health will contact the employee offering them an appointment to see an occupational health practitioner as soon as possible.
 - iii. Occupational Health will discuss the problem with the employee and where appropriate, refer them to their own General Practitioner or an external agency.
 - iv. Occupational Health will provide an initial report to the manager. Where a programme of treatment has been arranged Occupational Health will review the case at appropriate intervals and advise the manager accordingly.
- Where an employee denies that he/she has a drug, alcohol or other substance misuse problem or declines to accept assistance or treatment, the manager should address the work performance problems in the normal way, using the appropriate Trust policies.
- Managers who believe that an employee is unfit to work due to drug, alcohol or other substance misuse must act immediately. The employee should be challenged, and action taken as above, according to whether the employee acknowledges the issue.

10. RETURNING TO WORK

Following a period of treatment, the employee will either return to work or, if there has been no absence, remain in their existing post. Where in the manager's view, and following advice from Occupational Health, this would be regarded as unsafe, every effort will be made to redeploy the member of staff with his/her consent to suitable, alternative employment on a temporary or permanent basis in the Trust. If the consent of the employee cannot be obtained or suitable alternative employment cannot be found, then managers should refer to the Human Resources Department for guidance.

11. LOSS OF DRIVING LICENCE

- An essential car user who is disqualified from driving due to drug, alcohol or other substance misuse is in breach of their contract of employment with the Trust and will be subject to an investigation under the Disciplinary Policy
- In cases where a driving offence occurs and is due to drug, alcohol or other substance misuse, the employee may be subject to action in accordance with the Disciplinary Policy
- It is the responsibility of the employee to inform their professional body if they are disqualified from driving (if required by their professional body).

12. PROFESSIONAL REGISTRATION

- Where an employee identifies that they have, or suspect that they may have, a drug, alcohol, or other substance misuse problem, they must refer themselves to their professional body.

- Where an employee may have broken a professional code of conduct, the professional body will be informed by the Trust and may review or impose specific sanctions against the employee.
- In the event of an employee losing their professional registration or having it restricted, the Trust will review the continued employment of the employee, which could result in disciplinary action including termination of employment.

13. REVIEW PROCESS

- The Human Resources Department is responsible for ensuring this policy is reviewed every 3 years according to local and national guidance and employees and managers follow the principles and standards for effective compliance raising any significant issues with Senior management, JNCC and LNC, as necessary.

14. EQUALITY IMPACT ASSESSMENT (EQIA)

This policy applies to all employees equally and does not discriminate positively or negatively between protected characteristics.

15. PROCESS FOR MONITORING COMPLIANCE

Aspect of compliance or effectiveness being monitored	Monitoring method	Responsibility for monitoring (job title)	Frequency of monitoring	Group or Committee that will review the findings and monitor completion of any resulting action plan
Policy	Review of policy when updated	HR Team	On policy review	JNCC
Impact of policy	Review of any known cases and determine compliance with process.	HR Team	Annual Report	JNCC
Support	Review of support mechanisms in place	HR Team	Annual report	JNCC

16. REFERENCES

- Misuse of Drugs Act 1971
- Health and Safety at Work etc Act 1974
- Road Traffic Act 1988
- Transport and Works Act 1992
- Railways and Transport Safety Act 2003
- Air Navigation Order 2016
- Employment Rights Act 1996
- Human Rights Act 1998
- Anti-social Behaviour Act 2003
- Equality Act 2010 and Equality Act 2010 (Disability) Regulations 2010
- Psychoactive Substances Act 2016
- Data Protection Act 2018 (and EU General Data Protection Regulation 'GDPR').
- See Appendix C for Support agencies.

DRUG, ALCOHOL AND OTHER SUBSTANCE MISUSE

Appendix A - IDENTIFYING THE PROBLEM – GUIDANCE FOR MANAGERS

1. These guidelines are for managers dealing with employees who have, or are suspected of having, a drug, alcohol, or other substance misuse problem. Employees whose misuse of drugs, alcohol or other substances interferes with their health, safety, attendance, or work performance, or puts at risk the safety of others, fall under this heading.
2. Problem drug, alcohol or other substance misuse normally develops over a period, and it is essential to identify the problem (or preferably for the employee concerned to recognise their own problem) at an early stage.
3. Managers are responsible for ensuring that an employee's work performance is safe, satisfactory, and consistent. If there are changes in an employee's behaviour, the following are likely indicators of a potential problem, particularly if there is a combination of several indicators together.
4. Changes in work performance such as lower productivity, spasmodic work pace, poor concentration and quality of work, high level of mistakes and errors in judgement, quickly becoming fatigued..
5. Increased absenteeism such as increased frequency of days off, repeated absence on first and last days of working week, increased minor illnesses, frequent lateness for work, fabricating reasons for leaving work early and unexplained disappearances from the place of work.
6. Changes in behaviour such as neglect of details, tendency to blame others for shortcomings, sensitivity about references to drinking, avoidance of senior staff, becoming intolerant and verbose, increased nervousness, hand tremors, swelling or flushing of the face, and neglect of personal hygiene or appearance.
7. Involvement in accidents such as frequent injuries, increased time off due to accidents, careless handling and methods of work and lack of safety sense.
8. Employees who attend work smelling of alcohol or drugs are potential signs for the line manager to intervene and address the issue with the employee directly. This could have resulted from another member of staff confidentially reporting the individual to the line manager. Acting promptly is key and a range of possible options could include a meeting with the individual to discuss the issue and as a result sending the member of staff home pending an investigation and making a referral to Occupational Health. For further advice on suspending employees refer to the disciplinary policy.
9. The above indicators should trigger a conversation between the manager and employee. If a satisfactory explanation cannot be established, there may be a drug, alcohol, or other substance related problem. If it is agreed between them that the employee does have a problem, the manager will refer the individual to Occupational Health and the Human Resources Department will be advised.
10. Where a drug, alcohol or other substance problem is acknowledged, future discussions with the employee will take place in consultation with a member of the Human Resources Department. Where a drug, alcohol or other substance problem is suspected but denied, the manager will take advice on further action from the Human Resources Department.

Referral to Occupational Health

11. Occupational Health will provide counselling, support, and advice to the employee. If appropriate, a referral will be made to the employees General Practitioner or a professional agency, in order to establish a treatment programme for the employee.
12. Occupational Health will provide advice to the manager on the progress of any treatment programme and the employee's short- and long-term ability to meet the requirements of their role.
13. If an employee requires a period of absence whilst undergoing treatment, they will be on sick leave and will receive normal entitlements to sickness benefit. However, if the problem remains unresolved other options may be considered.
14. If an employee can remain at work, reasonable time off for treatment will be allowed.
15. Where possible the employee will be able to return to his/her normal role and responsibilities following a period of treatment.
16. Employees will have the right to Trade Union/Professional Organisation representation, please see section 5 for more information.

Responding to Treatment

17. When the manager has reviewed the situation and the employee has responded to treatment, improved work performance has been maintained and the problem would seem to be resolved, it is essential to continue to monitor the situation and maintain the support given to the employee as relapses can occur. Occupational Health will write to managers to confirm when the employee can return to work, including any specific recommendations. Occupational Health will continue to review the employee, as necessary. Managers will monitor the employee's work performance and attendance levels (in accordance with the Employee Wellbeing and Attendance Management Policy) when he/she has returned to work.

Failure to Respond or relapses in treatment.

18. An employee may: -
 - Fail to respond to treatment when given the support of Occupational Health and/or professional agencies.
 - Not follow through a treatment programme.
 - Refuse to accept that work problems are drug, alcohol or other substance related.
19. In these cases, the Trust will respond to their drug, alcohol, or other substance related problems through instigation of the relevant Trust Policy, eg Disciplinary, Managing Attendance & Employee Wellbeing, Employee Performance Management Policy.
20. Have relapses during their treatment and provided the ongoing trend in the employee's performance is favourable, such relapses will normally be tolerated. Formal disciplinary action during the treatment period should be reserved for serious under-performance or serious incidents. In deciding whether to take formal disciplinary action in respect of less serious offences, an employee's failure to attend or continue with an agreed treatment programme will be a factor to be considered.

APPENDIX B HEALTH PROMOTION

The Trust is committed to promoting healthy lifestyles and will take the following action in addressing the effects of excessive alcohol consumption or misuse of drugs or other substances:

- i. promote sensible drinking and organise a minimum of one campaign per year to raise awareness about alcohol, and the consequences of its misuse or other substance misuse.
- ii. provide access to counselling via the Occupational Health Department for any employee seeking assistance.

Appendix C - DRUG, ALCOHOL AND OTHER SUBSTANCE MISUSE – OCCUPATIONAL HEALTH and other SUPPORT AGENCIES

1. Occupational Health Department

Telephone: 01327 810777
Email: sath@teamprevent.co.uk

2. Other Agencies

NHS

[Royal Shrewsbury Hospital](#)

[Alcohol Liaison Nurses](#)

Nicki Johnston 07971678933
01743 261000 Ext 2431 or Bleep 307
Monday – Friday, 9:15 am - 3:15 pm

[Princess Royal Hospital](#)

[Alcohol Liaison Nurse](#)

Mandy Roach or Jon Aston on 07976100168
Bleep 308
01952 641222 Ext 4562

Non-NHS

Alcoholics Anonymous Helpline (24hrs) - 0800 9177 650 for free)
help@aamail.org

Well Aware Drink Line – (National Alcohol Help Line 6pm to 11pm) – Phone: 0300 123 1110

[Useful links](#)

www.shropshirerecovery.com

www.kaleidoscopeproject.org.uk

www.TelfordStars.org

3. National Drugs Helpline

The National Drugs Helpline which is also called 'Talk to Frank' is a website and telephone helpline offering advice, information, and support to anyone concerned about drugs and solvent/volatile substance misuse, including drug misusers, their families, friends, and carers.

FRANK

Phone: 0300 1236600

www.talktofrank.com

Samaritans

Phone: 116 123 (calls are free)

4. Specifically for Doctors

The British Medical Association has a range of health and wellbeing resources at www.bma.org.uk.

The Sick Doctors Trust can also provide support: [Sick Doctors Trust \(sick-doctors-trust.co.uk\)](http://sick-doctors-trust.co.uk)