

Misuse of Drugs and Alcohol at Work Policy and Procedure

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MISUSE OF DRUGS AND ALCOHOL AT WORK POLICY AND PROCEDURE

1. INTRODUCTION

- 1.1. The Trust is committed to ensuring the health, safety and welfare of its employees, students and other parties and recognises its duty of care in this area.
- 1.2. The misuse of drugs and alcohol by any Trust's employee is therefore, unacceptable, as it can:-
 - 1.2.1. Present a hazard to the Health and Safety of students, work colleagues and other
 - 1.2.2. Impair the employee's work performance and thus compromise the quality of service provision to students.
 - 1.2.3. Affect the psychological and physical health of the employee.
- 1.3. Therefore, the Trust strives to ensure that the workplace is free from the effects of substance abuse and will support employees in their rehabilitation in an appropriate way.
- 1.4. The Trust recognises that an alcohol or drug dependency may amount to an illness and therefore will be treated as any other illnesses, in line with the Management of Sickness Absence Procedure.
- 1.5. This Policy applies to all the Trust's employees, visitors, contractors and stakeholders.
- 1.6. This Policy will be regularly reviewed to ensure its effectiveness and actions taken within this Policy, including support offered will be strictly confidential.
- 1.7. This policy has been prepared taking account of prevailing legislation and legislation requirements and follows best practice by enabling the Trust to demonstrate a fair, equitable and transparent environment. Accordingly, the policy has been subject to an Equality Impact Assessment and is suitable for publication under the Freedom of Information Act 2000.

2. PURPOSE

- 2.1. This Policy is designed to help protect the employees, students and other stakeholders from the dangers of alcohol, drug and other substance misuse and to encourage those with dependency problems to seek help.
- 2.2. The purpose of this Policy is to ensure that the Trust deals with the problems effectively and consistently.

3. POLICY

- 3.1. The Trust prohibits the drinking of alcohol by employees and contractors in the workplace or on Company business other than reasonable drinking of alcohol in connection with approved social functions, e.g. within the legal limits stipulated for driving.
- 3.2. The Trust expressly prohibits the use of any illegal drugs or any prescription drugs that have not been prescribed for the user. It is a criminal offence to be in possession of use or distribute an illicit substance.
- 3.3. The Trust will take all reasonable steps to prevent employees and contractors carrying out work-related activities if they are considered to be unfit / unsafe to undertake the work as a result of alcohol consumption or substance misuse.
- 3.4. Where an employee arrives for work e.g. either in the morning or following a lunch break demonstrating obvious signs of alcohol consumption on more than one occasion, the manager will discuss their concerns informally with the employee and where there are excessive signs

of alcohol consumption or the pattern of behaviour continues, the manager will approach the matter under the Trust's Disciplinary Policy & Procedure.

4. DEFINITION OF TERMS

4.1. The definitions of 'substance abuse' will be:

- 4.1.1. The use of illegal or designer drugs;
- 4.1.2. The use of other substances, such as solvents;
- 4.1.3. The misuse of legal drugs and other substances;
- 4.1.4. The abuse of alcohol.

4.2. The definition of 'drugs' will be:

- 4.2.1. Any substance that affects the way the body functions physically, emotionally or mentally.

4.3. The definition of misuse will be:

- 4.3.1. Any uses that harms the social or physical functioning of an individual or impacts negatively on others.

4.4. Misuse may present as:

- 4.4.1. Inappropriate use which could aggravate an existing condition or situation or be undertaken in potentially dangerous or inappropriate situations.
- 4.4.2. Habitual use where the employee is dependent on a substance to the detriment of their personal and working lives.
- 4.4.3. Excessive drinking resulting in physical or mental illness and/or antisocial behaviour.

5. ROLES & RESPONSIBILITIES

5.1. The Trust

- 5.1.1. Will ensure the content of this Policy is implemented.
- 5.1.2. Will support the rehabilitation of employees who asks for help, including consideration of provision of sick pay for agreed treatment.

5.2. Heads of School (Heads of Service)

5.2.1. Will identify the signs of potential substance or alcohol misuse and dependency.

5.2.1.1. Indicators of dependency that may be apparent include:

- 5.2.1.1.1. Sudden and regular mood changes;
- 5.2.1.1.2. Confusion;
- 5.2.1.1.3. Loss of interest and appetite;
- 5.2.1.1.4. Rapid or unexpected loss of memory;
- 5.2.1.1.5. Abnormal fluctuations in concentration and energy;
- 5.2.1.1.6. Dishonesty and fraud;
- 5.2.1.1.7. Impaired job performance;
- 5.2.1.1.8. Accidents;
- 5.2.1.1.9. Altered personal appearance;

- 5.2.1.1.10. Disruptive behaviour;
- 5.2.1.1.11. Deterioration in relationships with other colleagues;
- 5.2.1.1.12. Higher absence or punctuality levels than other colleagues;
- 5.2.1.1.13. Reporting for work displaying symptoms or behaviour consistent with a “hangover” on more than one occasion;
- 5.2.1.1.14. Use of drugs and drink to relieve withdrawal symptoms.

5.2.2. Will, when necessary, act in accordance with the procedures laid down within the Policy.

5.2.3. Be clear about the consequences of non-compliance with the Policy.

5.2.4. Will treat all members of staff who may require support with the misuse of drugs and alcohol with sympathy and dignity, whilst having regard to the possible effects on students, colleagues and/or the needs of the service delivery.

5.3. Individuals

5.3.1. Will not report, or endeavour to report, for duty having consumed drugs or alcohol likely to render him/her unfit and/or unsafe for work.

5.3.2. Will not consume, or be under the influence of drugs or alcohol while on duty, unless on the rare occasions where alcohol is permissible, with the agreement of senior management and in connection with approved work-related social functions e.g. end of year staff functions.

5.3.3. Will not store drugs or alcohol in personal areas, such as lockers and desk drawers unless these are prescribed or over the counter and pupils have no access to the area.

5.3.4. Will not sell or give drugs or alcohol to any other employee or other person at the Trust's campus.

5.3.5. Will take responsibility for their own wellbeing and seek assistance from their own GP if they suspect they have or might have a problem with drugs, alcohol or any other substance such as solvents etc.

5.3.6. Will remain aware of their duty of care to colleagues and students. Therefore if any employee suspects possible drug or alcohol abuse on the part of a colleague they should report it to the Director of HR, in confidence.

5.3.7. Will inform their line manager if they are using prescription drugs in the workplace which make impact on their performance and provide confirmation from their GP as to any possible side effects.

5.4. The HR Department

5.4.1. Will support employees and line managers, providing advice and guidance.

5.4.2. Will assist with regard to the referral to the Occupational Health service, if appropriate.

5.4.3. Will advise and provide guidance about the counselling service when appropriate.

6. SUPPORT & ASSISTANCE FOR THE EMPLOYEE

6.1. When appropriate, the employee will receive the recognised forms of support available to employee with any type of health problem e.g. reasonable time off for hospital appointments, phased return to work if recommended by the GP or Occupational Health, temporary or permanent adjustments to their job role when appropriate.

6.2. The employee's ability to undertake the duties required will be regularly reviewed throughout the recovery period. The ultimate aim of manager and employee will be a return to optimum performance and total cessation of drug/alcohol dependency.

7. PROCEDURE

7.1. Management of Substance Abuse

The management of substance abuse can be carried out under several Trust procedures. The appropriate process should be decided after a careful consideration of the facts of each case.

7.1.1. Disciplinary Procedure

The Trust's Disciplinary Procedure might be appropriate in the following circumstances:

- 7.1.1.1. The employee is found consuming alcohol or illegal drugs or other substances at work;
- 7.1.1.2. The employee is under the influence of alcohol or illegal drugs whilst on duty;
- 7.1.1.3. The employee's drug or alcohol related conduct outside of work is likely to bring the Trust into disrepute;
- 7.1.1.4. The employee is displaying aggressive or threatening behavior or other unacceptable conduct at work.

7.1.2. Capability or Management of Sickness Absence Procedures

- 7.1.2.1. If it becomes apparent that an employee may have a long term drug or alcohol problem and their dependency negatively affects their work performance or attendance at work, the line manager must raise this issue with the employee as soon as possible.
- 7.1.2.2. If the individual denies there is a problem, the line manager will be forced to deal with the work-related concerns as matters of performance capability or attendance at work under the relevant Trust's procedures.
- 7.1.2.3. If the employee agrees there is/may be a problem the line manager will liaise with their designated HR Business Partner. A referral to the Occupational Health service will usually be considered at this stage, to establish whether or not an underlying health problem exists and if so how long it is likely to continue, what support the individual will require to facilitate a recovery and whether or not they are presently fit to continue working in their job role.
- 7.1.2.4. Upon receipt of the report from the Occupational health service, the employee will receive reasonable support from the Trust to regain optimum health and satisfactory work performance/attendance at work.
- 7.1.2.5. Should the employee refuse to attend an appointment with the Occupational Health specialist, the Trust will employ the appropriate procedures to address the issues the employee is presenting e.g. with regards to unsatisfactory attendance, performance or conduct.

7.2. Management of Habitual Abuse

- 7.2.1. It is recognised that some employees, despite Trust's support as outlined above, will continue to abuse alcohol/drugs or return to the addiction.
- 7.2.2. When this problem becomes apparent, the Trust will require 100% abstinence following treatment.
- 7.2.3. In order to support an employee who requires treatment and is unable to fulfill their contractual obligations, the Trust may agree a temporary redeployment or reduction of hours. If this is not an option and the employee requires an employment break, their right to return to the same job after their treatment will be considered on a case by case basis. Suitable alternative employment will be considered and offered where possible.

- 7.2.4. Thus anyone found to have resumed misuse or is suspected of continuing misuse will be dealt with as a conduct issue and therefore the manager will manage the issue by implementing the Trust's Disciplinary Policy & Procedure.
- 7.2.5. Additional advice from the Occupational Health service or the employee's General practitioner may be helpful in establishing whether the continuing misuse should be dealt with as a conduct or health issue.
- 7.2.6. The Trust recognizes that some employees who have underlying, long term medical conditions related to their addiction (whether because it is wholly or partly caused by the addiction or wholly or partly causes the addiction) should be considered as having a disability under the Equality Act 2010. Further medical advice may be appropriate to confirm this and the reasonable support which may assist the employee.

8. CRIMINAL ACTIVITIES

- 8.1. Conviction of an offence is likely to constitute gross misconduct and may result in summary dismissal from the Trust, particularly if the employee's conviction is likely to bring the Trust into disrepute and after careful consideration of its impact on the employee's role at the Trust.
- 8.2. Where the employee is charged with a drug or alcohol related offence, the Trust will endeavour not to prejudge the outcome of the court proceedings. However, in cases of very serious allegations against the employee, which are likely to cause reputational damage to the Trust, it may be decided that a dismissal is an appropriate course of action.
- 8.3. If any member of staff knows or suspects illegal drugs are at the Trust's campuses or are in possession of an employee, they should report their suspicions at once to a member of the Trust's Senior Leadership Team.
- 8.4. The possession of drugs with intention to deal is a criminal offence and will be reported to the Police.

9. USEFUL WEBSITES AND CONTACTS

- 9.1. Alcoholics Anonymous – the helpline number is 0845 769 7555 <http://www.alcoholics-anonymous.org.uk/>
- 9.2. Alcohol Concern – which runs the national drink helpline (Drinkline) on 0300 123 1110 <http://www.patient.co.uk/support/Drinkline>
- 9.3. Counselling Helpline – available for Bromley Trust employees on 0844 893 9012
- 9.4. Drink Aware for the facts about alcohol <http://www.drinkaware.co.uk/>
- 9.5. Drugs and alcohol awareness <http://www.healthyworkinglives.com/advice/workplace-health-promotion/drugs-alcohol>
- 9.6. Employee's own GP/Health Centre
- 9.7. FRANK (Friendly, confidential drugs advice) – confidential helpline for anyone in the UK concerned about drug use. Available on 0300 123 6600 <http://www.talktofrank.com/>
- 9.8. National Drugs Helpline – available on 0800 776600 (24 hour) <http://www.urban75.com/Drugs/helpline.html>
- 9.9. NHS Choices. Website of the NHS for health advice and information services <http://www.nhs.uk/Livewell/alcohol/Pages/Alcoholhome.aspx>