

# ALCOHOL, DRUGS AND SUBSTANCE MISUSE POLICY

**(Including No Smoking)**

Policy Reference – LCCGHR18

SUMMARY	To provide a process and framework for alcohol, drugs and substance misuse and smoking at the workplace. To provide the necessary support to employees and managers to manage each case in line with good practice.
AUTHOR	eMBED Health Consortium HR Team
VERSION	V2.0 Final
EFFECTIVE DATE	17 October 2018
APPLIES TO	Employees
APPROVAL BODY	Social Partnership Forum consulted with prior to final approval by the Remuneration and Nomination Committee
RELATED DOCUMENTS	Managing Work Performance policy Disciplinary Policy Managing Sickness Absence Policy Health and Safety Policy
REVIEW DATE	September 2022

### VERSION CONTROL SHEET

Version	Date	Author	Status	Comment
1.1	13/03/2014	Hannah Morris	draft	
1.2	12/05/2014	Liz Orton	Draft	Updated following SPF
1.3	10/01/2018	E Collins	Final	Updated in line with legislative changes (GDPR), approved by SPF on 10/01/2018
2.0	31/05/2018	Ian Corbishley	Draft	Full review of policy with transition to a single CCG. The key updates are to 3.1, 7.3.1, 8.3.3, and 8.4.1.
	27/09/2018		Draft	Approved by Social Partnership Forum

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## 1. PURPOSE

- 1.1 This policy sets out the principles for managing issues around the misuse of drugs, alcohol, smoking and other substances in order to ensure a fair, reasonable and consistent approach. Employees have a contractual obligation to report to work free of alcohol, drugs or other substances. Employee's behaviour which falls short of acceptable standards in this respect will be referred to the disciplinary process; or where mitigating circumstances apply a supportive environment will be provided in line with the procedure in this policy. The policy aims to:
- Set out the rules regarding the use of intoxicating substances and ensure employees are aware of the likely consequences to their employment if misusing them.
  - Create a climate that encourages employees who may be misusing substances to come forward, seek help and accept treatment.
  - Provide a framework to enable instances of misuse to be handled in an appropriate, confidential and consistent manner.
  - Promote a healthy and safe working environment.
- 1.2 This policy covers habitual alcohol or substance misuse where the employee is dependent on the effects of the substance, to the extent that the drinking or drug taking becomes a dominant concern in their lives and to the detriment to others. In this instance, appropriate support will be offered in line with this policy and applied with dignity and respect. It is the employee's responsibility to comply with rehabilitation recommendations or the Disciplinary Policy and Procedure will be applied. The policy excludes indulgence in alcohol or substance misuse which affects health and safety in the workplace where there is not an underlying dependency. In this instance, the Disciplinary Policy and Procedure will be applied. Inappropriate use of alcohol or substances may be regarded as gross misconduct.
- 1.3 NHS Leeds Clinical Commissioning Group (CCG) has a general duty under the Health and Safety at Work Act 1974 to ensure, as far as is reasonably practicable, the health, safety and welfare of its employees and others. Employees also have a duty to co-operate with and implement the CCG's policies in this respect so there is shared ownership of health and safety. The CCG recognises that health and safety may be put at risk by employees who misuse alcohol, drugs or other substances to such an extent that their health, work performance, conduct and working relationships are adversely affected. A zero tolerance approach will therefore be taken with regards to abuse relating to this policy.
- 1.4 It is an offence under the Misuse of Drugs Act 1971 for an employer to allow its premises to be used for the production, supply or possession of controlled drugs and reasonable action to prevent this should be taken. The CCG also has a legal duty to ensure that its workplace is smoke free; therefore smoking is banned on the CCG's grounds and premises.

## 2. SCOPE

- 2.1 The policy applies to all employees of the CCG in addition to contractors, agency staff, honorary appointments, volunteers and visitors.

### **3. EQUALITY STATEMENT**

- 3.1 In applying this policy, the CCG will have due regard for the need to eliminate unlawful discrimination, promote equality of opportunity, and provide for good relations between people of diverse groups, in particular on the grounds of the following characteristics protected by the Equality Act (2010); age, disability, gender, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, and sexual orientation. In addition, the CCG will ensure that employees and job applicants are not unreasonably discriminated against on the basis of other characteristics including socio-economic status, offending background, political affiliation and trade union membership. An Equality Impact Assessment is used for all policies and procedures.

### **4. ACCOUNTABILITY**

- 4.1 The Chief Executive is accountable for this policy.

### **5. IMPLEMENTATION AND MONITORING**

- 5.1 The Remuneration and Nomination Committee is responsible for formal approval and monitoring compliance with this policy. Following ratification the policy will be shared with staff in the e-bulletin and will be available on the website.
- 5.2 The policy and procedure will be reviewed periodically by the Workforce and Diversity Management Group in conjunction with human resource representatives and trade union representatives where applicable. Where review is necessary due to legislative change, this will happen in a timely manner.
- 5.3 The CCG is committed to ensuring that all personal information is managed in accordance with current data protection legislation, professional codes of practice and records management and confidentiality guidance. More detailed information can be found in the CCG's Data Protection and Confidentiality and related policies and procedures.

### **6. RESPONSIBILITIES**

- 6.1 Good working relations are vital for the CCG to operate successfully and provide services. There is a joint responsibility for management, trade unions and employees to accept the responsibility of working together on issues in good faith and with the shared intention of facilitating good working relations.

#### **6.2 Employees**

- 6.2.1 It is the responsibility of employees to ensure that they:
- Report for work and remain in a condition to perform their duties free from the effects of alcohol, drugs or any other substance, whether on CCG premises or external locations.
  - Inform their line manager or another appropriate manager in confidence if they have an alcohol or substance misuse problem.
  - Co-operate with any support and assistance provided by the CCG to address an alcohol or substance misuse problem.

- Inform an appropriate manager or a human resources representative if they know or strongly suspect that another employee is under the influence of alcohol or drugs at work.
- Encourage colleagues to take personal responsibility should they have an alcohol, drug or substance misuse problem.
- To comply with relevant codes of conduct including professional codes of conduct.

### **6.3 Line Managers**

6.3.1 It is the responsibility of line managers to ensure that they:

- Make sure employees understand the policy and are aware of the rules and consequences regarding the use of alcohol, drugs and other substances.
- Provide advice to employees in relation to their roles and responsibilities under this policy.
- Are alert to any changes in behaviour which may indicate alcohol, drug and/or substance misuse and to monitor performance, attendance and sickness absence (See Appendix 1 – Signs of Alcohol/Drugs/Substance Misuse).
- Obtain advice from a human resources representative in managing a situation where an employee is misusing alcohol, drug and/or substance.
- Promote an open and honest culture where employees feel able to take personal responsibility for their own health and safety in relation to alcohol, drug and/or substance misuse and support others to do so.
- Encourage employees to seek help voluntarily.
- Provide support to employees who are being rehabilitated and engage appropriately with occupational health in relation to supporting an individual with a problem and enabling them to continue to carry out their role.
- Identify and refer disciplinary matters connected to the misuse of alcohol, drugs, substance misuse and smoking as appropriate.

### **6.4 Human Resources Team**

6.4.1 The human resource representative will provide advice and support on all aspects of this policy to ensure application and support.

## **7. PRINCIPLES**

### **7.1 Alcohol, Drugs and Substance Misuse**

7.1.1 It is prohibited for employees to report to work while unfit because of alcohol, drug and/or substance misuse. This includes heavy consumption the night before work and employees should be aware of the time it takes for alcohol to leave their system. If an employee finds they are unfit for duty due to unforeseen, exceptional circumstances they should contact their line manager by phone to discuss the options. Annual leave or unpaid leave will be taken.

7.1.2 Where an employee is under the influence of alcohol, drug and/or substance misuse, and, in the opinion of a manager (using Appendix 1 as a guideline), is not fit to be at work, the employee will be instructed not to attend work until fit to do so. Employees will be considered unfit for work if they attend work smelling of alcohol. Employees must not consume alcohol or substances at any time whilst at work regardless of location, including during breaks (i.e. lunch). These instances will be investigated under the Disciplinary Policy and Procedure if they are not related to an underlying dependency problem.

- 7.1.3 Employees must not bring alcoholic drinks on the premises for consumption. The CCG actively discourages the purchase of alcohol as gifts for colleagues and endorses non-alcoholic alternatives as gifts. Any alcohol brought onto CCG premises as gifts for colleagues should be stored responsibly, i.e. out of sight.
- 7.1.4 The CCG prohibits the possession, transfer, sale or use of unauthorised drugs, or illegal substances on its premises. Any employee found to be in possession of an illegal substance will be suspended from duty and a full investigation will be carried out under the disciplinary procedure. Under the Misuse of Drugs Act 1971, the CCG has a duty to deal with such issues and all drug related issues will be reported to the police and could lead to criminal proceedings.
- 7.1.5 Employees must not drive whilst under the influence of any intoxicating substance. This includes driving to/from work and during work time. It should be noted that some prescribed medication will also affect an individual's ability to drive safely. It is the employee's responsibility to seek advice from their GP if required.
- 7.1.6 If a colleague has reasonable grounds to suspect an employee has an alcohol, drug and/or substance misuse problem that affects the health and safety of any employee or the employee's performance, they should inform the employee's manager. There will be no repercussions on the individual raising concerns. Employees who attempt to cover up in a work situation for a colleague who puts themselves, others or the reputation of the CCG at significant risk will leave themselves open to disciplinary action.

## **7.2 Prescribed Medicines**

- 7.2.1 It should be recognised that both prescribed and over-the-counter medicines may cause impairment to an employee's performance at work. Employees should seek advice from their GP or pharmacist on any medicines they are taking and not exceed the recommended dose. Employees should be encouraged to discuss any problems with occupational health if they feel this would be helpful and take responsibility for ensuring they are fit to be at work. They should inform their line manager of any possible side effects of their medication. For example, it could have serious impact on driving during the course of work and/or affect their work performance. Please seek human resources advice.

## **7.3 Smoking**

- 7.3.1 Smoking at work at any time on CCG premises is prohibited. . This includes the use of electronic cigarettes. If employees are smoking on work premises action will be taken under the disciplinary policy and procedure. Any breaks required for the purposes of smoking will not be considered working time. If employees require such breaks, employees should discuss this further with their line manager.
- 7.3.2 Employees who smoke are encouraged to seek support to quit.
- Information on smoking – [smokefree.nhs.uk](http://smokefree.nhs.uk) or call 0800 1690169 – 24 hour helpline. [www.nhs.uk/smokefree](http://www.nhs.uk/smokefree)

## **8. PROCEDURE FOR DEALING WITH ALCOHOL, DRUGS AND SUBSTANCE MISUSE ISSUES**

- 8.1 Alcohol, drug and substance misuse issues are recognised as health issues which may affect an employee's capability to carry out their duties. The CCG will treat all

employees that have a misuse problem in an empathetic and consistent manner and every reasonable effort will be made to deal with them accordingly and make the same provisions for treatment as for any other illness, at the same time maintaining a safe environment for employees, patients and visitors. Where the employee accepts responsibility for their behaviour and agrees to seek help, the matter will be dealt with in line with this policy. Where they do not accept responsibility or do not agree to follow/sustain a rehabilitation programme, action will be taken under the disciplinary policy. Please see the flow chart in Appendix 2.

## **8.2 Dealing with a concern**

- 8.2.1 Alcohol, drug and substance misuse may come to the attention of a manager in several ways, for example, directly from the employee concerned, through information supplied by a colleague, misconduct or absenteeism and/or through deterioration in work performance (please see appendix 1 for further signs). It is important that there is early intervention by appropriate senior managers when alcohol or substance abuse is suspected and it is affecting an individual's work performance. Further advice can also be sought from human resources or occupational health.
- 8.2.2 Any employee arriving or returning to work who is suspected of having consumed alcohol at or before work, or being under the effects of drugs or substances should be removed from duty immediately. The employee should not drive in line with the Road Traffic Act 1988 and should make alternative arrangements to get home safely.
- 8.2.3 Once aware of a suspected problem, the manager should meet with the employee at the earliest opportunity to raise the concerns and establish if there is an underlying alcohol or substance misuse problem. They should also establish if there are any other issues affecting their performance or conduct. If the employee admits to having a misuse problem a referral will be made to occupational health and the misuse will be dealt with as a health condition. If the employee does not accept that they have an alcohol, drug and/or substance misuse problem action will be taken in line with the Disciplinary Policy and Procedure.

## **8.3 Occupational health**

- 8.3.1 The Occupational Health Service will offer support and advice to the employee. They may arrange referrals to other agencies with the employee's consent, monitor progress and, subject to the rules of confidentiality (and employee consent in terms of further disclosure relating to the problem, provide advice for the manager regarding the fitness to work for the employee. They cannot treat an individual for an alcohol, drug and/or substance misuse problem. They will not be able to carry out immediate/urgent testing to 'prove' that an individual is unfit for work due to alcohol, drug and/or substance misuse if an individual's manager suspects it.
- 8.3.2 The Occupational Health Service will carry out confidential assessment of such health issues in relation to an individual's work and responsibilities. There will be an appropriate and ethical exchange of information which takes into account the sensitive nature of the condition between involved parties so that advice about fitness to work or role adjustment according to health status can be provided.
- 8.3.3 At the Occupational Health Service clinician's discretion, when an individual has been seen by the Occupational Health Service and is returning/continuing to work, testing biological specimens (e.g. urine and breath testing) may infrequently be suggested and only arranged with the individual's consent. For drug testing there will be strict

adherence to acknowledged correct procedure. Occupational Health and HR will work closely with line managers to ensure that the procedure is legal and fair i.e. in line with a full contractual health and safety policy and there are good grounds for testing.

- 8.3.4 Employees are required to attend occupational health appointments in line with this procedure. The line manager will make a referral to occupational health giving full background to the case.
- 8.3.5 If the Occupational Health Service does not confirm the existence of an alcohol, drug and/or substance misuse problem, or any other health condition, the manager should make an assessment on the basis of the information that they have available to them and decide whether it is appropriate to commence an investigation in line with the Disciplinary Policy and Procedure or to deal with the matter under the Managing Work Performance Policy.
- 8.3.6 If the Occupational Health Service confirms the existence of an alcohol, drug and/or substance misuse problem, they may refer the employee to their GP or direct them towards an appropriate agency (e.g. drink/substance misuse support services). The CCG accepts that provided an employee who has been identified or who is recognised as suffering from alcohol, drug and/or substance misuse is prepared to accept responsibility and undergo an appropriate form of treatment programme; continued employment with the CCG will be maintained where possible during such treatment.

#### **8.4 Treatment programme**

- 8.4.1 Where a misuse problem is identified occupational health will refer the employee to an appropriate agency/GP to follow a treatment programme. This may include counselling, in-patient detox and rehabilitation followed by extended outpatient therapy and or self-help groups and medication. This will be managed in line with the Managing Sickness Absence Policy and medical advice will be sought regarding their fitness for work. At the manager's discretion, normal sick leave should apply to employees receiving medical treatment and additional sick leave should be available for rehabilitation. It should be made clear that the major aim of treatment and rehabilitation is to ensure optimum recovery and return to work. Reasonable time off without pay can also be considered. The employee must take responsibility for following the treatment programme.
- 8.4.2 If the treatment programme is discontinued or there is repeat misconduct by the employee where treatment suggested by the Occupational Health Service/GP has not been accepted or followed, disciplinary action will be taken, which could result in a formal warning up to and including dismissal.
- 8.4.3 Where misuse is not eliminated or controlled sufficiently to allow resumption of normal working arrangements within a reasonable period of time or, if appropriate, using the appropriate support services, and no suitable alternative employment can be found, the matter will be dealt with as an issue of capability on ill health grounds or, if appropriate, discipline.
- 8.4.4 Following successful treatment the employee should be supported as much as possible back into the workplace with the advice of occupational health considering the risk of relapse. Continued awareness from the manager will be required in case of a relapse and continued support should be provided. Managers are expected to monitor performance and/or absenteeism during a period of rehabilitation. The

manager should inform the employee of performance and/or attendance expectations and it should be emphasised appropriate policies will be followed if required.

## **9. RELATIONSHIP TO OTHER POLICIES**

### **9.1 Managing Sickness Absence Policy**

9.1.1 Where a problem has been identified with an employee, the line manager should ensure that any steps to deal with the matter are consistent with the CCG's Managing Sickness Absence Policy where this is a health matter. Employees have a responsibility to keep their manager informed of any medical or other condition or any other factor which might affect attendance; e.g. taking prescribed medication.

### **9.2 Disciplinary Policy and Procedure**

9.2.1 Clear reference is made in the CCG's Disciplinary Policy regarding being unfit for duty through alcohol or drug abuse which is likely to be regarded as gross misconduct and which may result in summary dismissal. Whilst employees with an issue of alcohol, drug and/or substance misuse should be regarded as suffering from an illness and treated accordingly, there may be occasions when such employees commit offences of misconduct for which disciplinary action is the necessary outcome. Prior to any consideration of disciplinary action, an investigation of the circumstances will take place in accordance with the Disciplinary Policy and Procedure. Due consideration will be given to whether the employee has sought treatment or help.

### **9.3 Managing Work Performance Policy**

9.3 Managers should seek human resources advice on the individual circumstances of each case to understand when it is appropriate to instigate the Managing Work Performance Policy. In instances where an employee who is being managed under the Managing Work Performance Policy and where the effect of drugs or alcohol misuse has an impact on this performance concern, then you would refer to and use the Alcohol, Drugs and Substance Misuse policy for support and seek Occupational Health advice. If after following this support under the Alcohol, Drugs and Substance Misuse policy, there is still an ongoing issue or concern with performance, you may then refer to and use the Managing Work Performance Policy and manage the issue or concern as a capability matter.

### **9.4 Health and Safety Policies**

9.4.1 Under the Health and Safety at Work Act (1974), the CCG has a duty to ensure the health, safety and welfare at work of all its employees and other persons, including visitors and contractors using the premises. Similarly, employees have a duty to take reasonable care for the health and safety of themselves and all other persons who may be affected by their acts or omissions at work. Health and safety and the impact on the service must be taken into consideration where an employee is known to have a problem related to alcohol, drug and/or substance misuse which could potentially affect the way he/she works. The workplace (Health, Safety and Welfare) regulations require that employers shall make suitable and sufficient assessment to the risks to the health and safety of its employees, to which they are exposed whilst at work. Where risks are foreseeable the employer has a duty to devise measures which provides a safe work place.

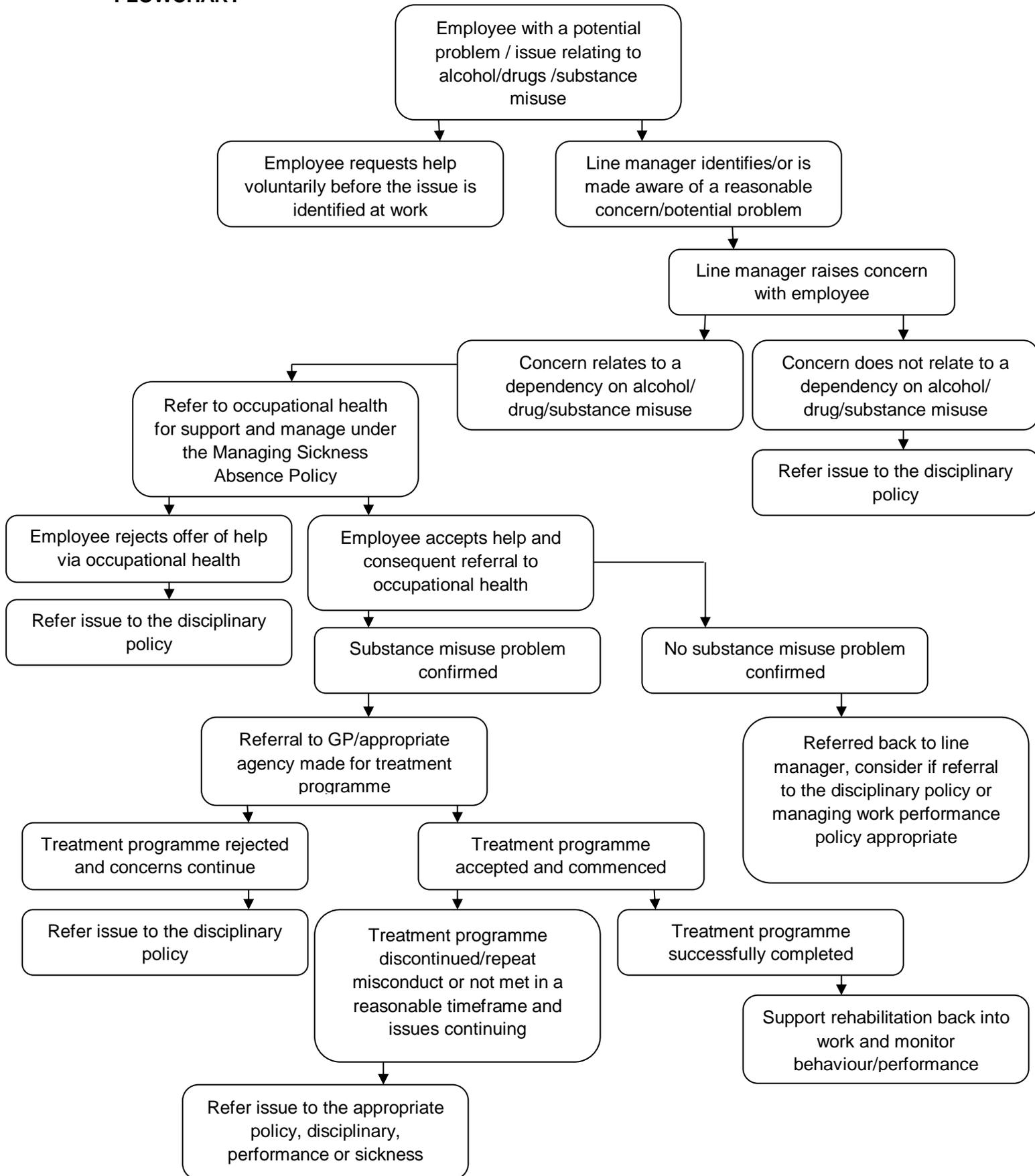
## **SIGNS OF ALCOHOL/DRUGS/SUBSTANCE MISUSE**

Signs of alcohol/substance misuse are not always obvious and may be confused with other conditions or problems. It is sensible to bear in mind the possibility of alcohol/substance misuse when the following behaviours are observed (this list is not exhaustive).

Please note that not all people with alcohol/drugs/substance misuse problems display all these behaviours. Some of these behaviours may also indicate other problems which are not associated with alcohol/drugs/substance misuse. If in doubt, contact the Occupational Health Service and/or Human Resources for advice.

- Abnormal fluctuations in mood and energy, irritability, impaired concentration, lethargy.
- Tendency to become confused.
- Poor timekeeping.
- Repeated absences for trivial or inadequate reasons.
- Increase in short-term sickness absence.
- Impairment of job performance.
- Accident proneness, increased incidence of mistakes or errors of judgement.
- Deterioration of relationships with other people.
- Dishonesty and theft (arising from the need to maintain an expensive habit).
- Hand tremors, slurred speech, facial flushing, bleary eyes, poor personal care and hygiene.
- Smelling of alcohol or other substances.

FLOWCHART



## Equality Impact Assessment

<b>Title of policy</b>	Alcohol, Drugs and Substance Misuse and No Smoking Policy	
<b>Names and roles of people completing the assessment</b>	Ian Corbishley, HR Manager	
<b>Date assessment started/completed</b>	<u>Started:</u> 31/05/2018	<u>Completed:</u> 31/05/2018

### 1. Outline

<b>Give a brief summary of the policy</b>	To provide a process and framework for support to managers and employees in dealing with cases of alcohol and substance misuse by employees at the workplace.
<b>What outcomes do you want to achieve</b>	Support staff with misuse problems to seek treatment and make a successful return back to work.

### 2. Evidence, data or research

<b>Give details of evidence, data or research used to inform the analysis of impact</b>	The impact assessment is informed and supported by a holistic performance framework for equality and diversity across the suite of HR policies.
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### 3. Consultation, engagement

<b>Give details of all consultation and engagement activities used to inform the analysis of impact</b>	
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### 4. Analysis of impact

This is the core of the assessment, using the information above detail the actual or likely impact on protected groups, with consideration of the general duty to;  eliminate unlawful discrimination; advance equality of opportunity; foster good relations			
	<b>Are there any likely</b>	<b>Are these</b>	<b>What action will be taken</b>

	<b>impacts? Are any groups going to be affected differently? Please describe.</b>	<b>negative or positive?</b>	<b>to address any negative impacts or enhance positive ones?</b>
<b>Age</b>	No		
<b>Carers</b>	No		
<b>Disability</b>	No		
<b>Sex</b>	No		
<b>Race</b>	No		
<b>Religion or belief</b>	No		
<b>Sexual orientation</b>	Yes, research suggests individuals who are gay may be more prone to suffer from alcohol / misuse issues.	Positive	The policy outlines a supportive approach to managing misuse issues impacting on work.
<b>Gender reassignment</b>	No		
<b>Pregnancy and maternity</b>	No		
<b>Marriage and civil partnership</b>	No		
<b>Other relevant group</b>	No		
<b>If any negative/positive impacts were identified are they valid, legal and/or justifiable? Please detail.</b>		No anticipated detrimental impact on any equality group. The policy is applicable to all employees and adheres to the NHS Litigation Authority Standards, statutory requirements and best practice. Makes all reasonable provision to ensure equity of access to all employees. There are no statements, conditions or requirements that disadvantage any particular group of people with a protected characteristic.	

<b>4. Monitoring, Review and Publication</b>			
<b>How will you review/monitor the impact and effectiveness of your actions</b>	Will monitor cases of alcohol, smoking or substance misuse at workplace on the caseload analysis by protected characteristic. Clear distinctions should be made between those people who take prescription drugs and the causes/possible effects of this and actual substance misuse.		
<b>Lead Officer</b>	John Scott, Head of People, OD and Office Services	<b>Review date:</b>	September 2022

<b>5. Sign off</b>			
<b>Lead Officer</b>	John Scott, Head of People, OD and Office Services		
<b>Director</b>	Sabrina Armstrong, Executive Director of Corporate Services	<b>Date approved:</b>	17/10/2018