

20-22 Wenlock Road, London, England, N1 7GU

### Alcohol & Substance Misuse (Staff) Policy

<b>Summary</b>	The policy outlines This Service’s approach to alcohol and substance abuse by its staff and agency workers. It is designed to help workers from the dangers of drug and other substance misuse and to encourage those affected to seek help.
<b>Scope</b>	This policy applies to the bank, locum, permanent and fixed term contract employees (including apprentices) who hold a contract of employment or engagement with the <b>Care Quality Support Services</b> and secondees (including students), volunteers, in line with <b>Care Quality Support Services</b> ’s Equality, Diversity and Human Rights Policy. It also applies to external contractors, Agency workers, and other workers who are assigned to <b>Care Quality Support Services</b> .
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### Policy Statement

**Care Quality Support Services** is committed to a constructive and preventative strategy relating to the handling of alcohol and drug abuse in the workplace.

This policy does not form part of any employee’s contract of employment.

This Policy will explain the responsibilities and principle behind **Care Quality Support Services** ’s approach to managing the misuse of illegal drugs, alcohol and other substances by employees. **Care Quality Support Services** aims to ensure that it provides a safe and productive work environment that promotes the health, safety, and wellbeing of staff.

**Care Quality Support Services** has a responsibility to provide its clients with the best possible service and ensure that all services are delivered effectively and without compromise, at the same time maintaining and promoting **Care Quality Support Services** ’s reputation and integrity.

Employers have a duty under the Health & Safety at Work Act 1974 to ensure, as far as is reasonably practicable, the health, safety and welfare of its staff and others. This includes taking all reasonable steps to resolve drug (illegal, prescription or recreational), alcohol and other substance misuse related problems known within the workplace. Staff also have a duty of care to children, young people they support and colleagues and are therefore expected to co-operate with and implement **Care Quality**

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**Support Services** policies in this respect. **Care Quality Support Services** 's position is one of not allowing the use, possession or supply of drugs, alcohol, or substances by staff whilst on duty or allowing staff to continue working if they are found or if there is reason to suspect that they are under the influence of any substance or if they smell of alcohol.

This policy should be seen in the context of a desire to promote the general wellbeing of all employees and safety for children and young people we support colleagues and others. **Care Quality Support Services** is committed to providing confidential support and specialist help where necessary to any employee making a disclosure regarding their misuse of substances and their intention to manage the situation more effectively.

It is the **Care Quality Support Services** 's intention to ensure that all staff are aware of this policy in order to prevent any such situations occurring, which could render them liable to disciplinary action.

## EQUALITY STATEMENT

In applying this policy, the organisation 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 to offending background, trade union membership, or any other personal characteristic. An Equality Impact Assessment is used for all policies and procedures

## Definitions

- For the purpose of this Policy, substance misuse refers to use and misuse of intoxicating substances which include alcohol, drugs; prescription and over-the-counter medicines, novel psychoactive substances<sup>1</sup>, solvents and other substances, either intermittently or continuously which interferes with an individual's health, work capabilities or conduct, or which affects work performance and / or safety of themselves and others.
- For the purposes of this policy being intoxicated can include the smell of alcohol on an individual's breath. Although this characteristic should not be used in isolation. **See Appendix 1 for more guidance.**
- The Misuse of Drugs Act (1971) specifies the different categories of drugs according to their relative harmfulness when abused. Under this policy, **Care Quality Support Services** is clearly stating that the possession, use or supply of illegal drugs is strictly forbidden whilst on duty. **Care Quality Support Services** will contact the Police where an employee or visitor is found to be in possession, using or supplying illegal substances whilst on duty or visiting any of its premises.

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- **Care Quality Support Services** also prohibits the use, possession, or supply whilst on duty of Novel Psychoactive substances, the term given to substances that are used recreationally but are not controlled under the Misuse of Drugs Act (1971), not licenced for legal use, and not regulated as a medicine Medicines Act (1968). These are powerful drugs with long lasting effects often over 12 hours in some cases.
- For the purposes of this policy where Disciplinary Procedures are mentioned it equally applies to any procedure in place in **Care Quality Support Services** which deals with Absence Management, Poor Performance, conduct issues or outside work criminal convictions.
- Problem drinking is defined as drinking which continually or repeatedly affects an employee's work performance or behaviour at work.

### **AIMS AND OBJECTIVES**

This policy should be seen in the context of a desire to promote the general wellbeing of all employees. It is designed to:

- Provide a framework to enable instances of drug, alcohol, and substance misuse to be handled in an appropriate and consistent way. It sets out the rules regarding the use of intoxicating substances to ensure staff are aware of the likely consequences of their employment if misusing them.
- Prevent accidents and impaired performance at work which may be alcohol or drug related, safeguarding the safety and welfare of staff and patients.
- Actively promote awareness and understanding of the effects of alcohol and drug related problems within the workplace, and to emphasise the potential dangers of such misuse for both the individuals' health and work performance and to encourage those with a problem to seek help.

### **Standards Required**

Employees must not attend for work if they are under the influence of alcohol or drugs.

Managers are to monitor job performance and attendance.

Disciplinary action will be taken against any employee convicted of a drink or drug related offence committed whilst on This Service Ltd business premises or service providers premises.

### **ROLES & RESPONSIBILITIES**

- All staff are expected to adhere to **Care Quality Support Services** Policies and the principles set out in the **Care Quality Support Services** Mission, Values and Policies.

Roles and responsibilities under this Policy are defined as follows:

**Staff have the following responsibilities:**



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- To ensure they report for work and remain in a condition to perform their duties free from the effects of drugs, alcohol, or any other substances, whether on **Care Quality Support Services** premises or at external locations.
- Alcohol remains in the body long after an alcoholic drink is consumed and this must be remembered when drinking outside of working hours, including the previous evening.
- Staff who are `on call` must ensure they are not under the influence of alcohol, drugs or other substances during the `on call` period as they may be required to make decisions / drive / attend work.
- Staff taking medication should seek advice on any adverse impact on work performance or behaviour, particularly with regard to safety. They should also notify their manager of this. Advice from Occupational Health can be sought.
- If a problem or suspected problem relating to drugs, alcohol or substance misuse has been identified the member of staff has a responsibility to seek help, by attending for an Occupational Health appointment or a relevant external agency.
- Staff should inform their manager if they know or suspect that a staff member (including volunteers, students, contractors etc.) is under the influence of drugs, alcohol or other substance whilst engaged in a **Care Quality Support Services**
- All staff must advise their line manager if they are charged with and/or convicted of a drugs / drink driving offence in order to be able to consider the impact upon their role and appropriate action. If the line manager is not informed further action may be taken under the relevant **Care Quality Support Services**
- Not to bring illegal substances onto **Care Quality Support Services** premises

**Managers have the following responsibilities:**

- Publicise the policy and support available to staff, including through induction and after, ensuring policy compliance by reinforcing its requirements to staff.
- Have systems in place for third parties to notify the manager of concerns regarding individuals who they suspect may be intoxicated whilst at work
- Discuss suspected alcohol or substance misuse problems with member of staff and, where applicable refer staff to Occupational Health.
- If a member of staff divulges to their manager a drug/ alcohol /substance misuse problem, the manager should also refer to Occupational Health
- Offer support to staff to facilitate recovery. Work with Occupational Health:
- to explore workplace adjustments where these are indicated and practical
- to implement and would support the rehabilitation of staff affected by drugs, alcohol, or substance misuse - Refer to organisational Special Leave Policy for time off for appointments associated with rehabilitation and treatment.

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- Provide information and advice to staff on drug, alcohol and substance misuse as stated in the policy
- All managers should be aware of the changes in work performance; attendance and behaviour which may be associated with alcohol, drug, or substance misuse related problems (see Appendix 1).
- Investigate any circumstances that they may become aware of or that are brought to their attention. It may be appropriate to seek support from HR team and Occupational Health.
- Inform the Managing Director of any drug / drink driving or other related convictions or outcome of HR process which is found to be related to drugs, alcohol, or substance misuse.
- If further deterioration occurs, or previous patterns of behaviour return, the Manager is responsible for bringing this to the member of staff's attention and arranging a further Occupational Health referral. If there is no improvement the company's Disciplinary procedure should be followed.
- The manager is responsible for ensuring the privacy and confidentiality of employee records associated with drug, alcohol, and substance misuse.

**Occupational Health has the following responsibilities:**

- Provide information and advice to staff and managers on drug, alcohol and substance misuse as stated in the policy.
- Assess staff referred under the policy and provide advice on fitness to work and on adjustments to support the rehabilitation of staff affected by drugs, alcohol, or substance misuse.
- Where appropriate make onward referral to other health care professionals/ agencies
- Monitor the progress of staff undergoing treatment for drug, alcohol, or substance misuse in relation to fitness to work.
- If a substance misuse problem is identified during the pre-employment screening process Occupational Health will assess the individual to ensure they are fit for employment.
- Provide the manager with a written report of the outcome of the referral and the course of action recommended. Specific recommendations may be made regarding the alteration of work schedules (e.g., restrictions on excess hours, shift working, temporary redeployment) or restricting certain types of work for an agreed period, subject to review.
- The usual terms of Occupational Health policy will apply to confidentiality

**Human Resources have the following responsibilities:**

- Provide training, advice, and support to managers in relation to this policy and its applications.
- Advise and support managers when staff are suspected of being under the influence of drugs, alcohol, or other substances, although the responsibility for the action rests with the manager.



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- Support managers at formal meetings arising from this policy or other related policies.

**Contractors and others working on Care Quality Support Services premises have the following responsibilities**

- To comply with the policy by ensuring they and their staff do not work on **Care Quality Support Services** premises under the influence of alcohol or non-prescribed/illegal drugs or other substances

**Recruitment of Staff**

- Individuals with former drug or alcohol problems should not be overlooked with regard to employment by reason of their substance misuse alone. Drug or alcohol dependence can affect anyone and the principles of ensuring that staff are competent to perform the job for which they are being considered should remain the main driver behind recruitment decisions in line with the company's policy on equality and diversity.
- However, due to the nature of the work and the potential vulnerability of service users, all potential applicants must be fit to work and post treatment, and without a current substance misuse problem. It is therefore the responsibility of the applicant to disclose any previous treatment prior to any offer of employment at their pre-employment check. Failure to disclose may lead to the termination of his/her contract of employment

As part of the recruitment process the following should be considered:

- The nature and seriousness of substance misuse and when this occurred
- The attitude of the individual in relation to their rehabilitation
- The commitment of the person to their recovery from substance misuse
- Criminal convictions
- Rehabilitation of Offenders Acts
- Equality Act (Addiction is not a disability in itself so no adjustments are required. However, some adverse health effects or conditions may be interlinked and may need consideration under the Act e.g., depression).
- Nature of the job they will be performing. For example, if driving is required, there are additional considerations if former or current drug and alcohol misusers apply. Applicants who hold a driving licence are required to inform the DVLA of any medical condition that may affect their fitness to drive, including dependence on drug/alcohol / substance misuse problems. A licence is then likely to be refused and therefore may not be able to perform their work duties.

**Drug Use in the workplace**

- Drug use refers to the use of illegal drugs, Novel Psychoactive substances and the deliberate misuse of prescribed drugs, non-prescribed drugs and substances such as solvents.



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- Drugs can alter the way a person thinks, perceives, feels and this can lead to impaired judgement or concentration. Drug use can also bring about the neglect of general health and well-being. This may adversely influence the performance of the member of staff.
- It is recognised that the use of novel psychoactive substances and the misuse of legally prescribed and non-prescribed drugs or substances may also impair performance. The effects of which can be long lasting.
- Characteristics of drug, alcohol and other substance misuse use are listed in Appendix 1.
- It is not permitted for staff to be in possession, under the influence, deal in or take drugs within classes A, B or C in the workplace. A list of these drugs can be obtained from the you GP.
- Convictions of staff for drug offences can damage public confidence in **Care Quality Support Services** services, irrespective of the role performed by that member of staff and whether the offence was committed at work or socially. Consequently, the continued employment of any member of staff is at risk if they are convicted of a drugs offence. If the organisation is made aware of any drug-related convictions against an individual it will carry out an investigation and the Policy for the Employment of Ex-Offenders and Continuing Employment of Offenders may be invoked.
- Any recognised drug problem will be treated in strict confidence, subject to the provisions of the law.

#### Alcohol Consumption in the workplace

- It is not permitted for staff (as opposed to clients) to drink, smell of alcohol, or be under the influence of alcohol, whilst on duty or on **Care Quality Support Services**
- It is not permitted for staff off duty to drink alcohol in a public place whilst wearing a **Care Quality Support Services** uniform and / or identification badge.
- Staff are asked to note that there is a perceived link between the smell of alcohol on the breath of staff and incompetence. Such perceptions can damage public confidence in **Care Quality Support Services** For these reasons' alcohol consumption during meal breaks and before coming on duty is not permitted.
- Individuals, who are required to drive as part of their duties or required to drive clients/service users as part of their duties must not consume alcohol before coming on duty or while on duty. Alcohol remains in the body long after an alcoholic drink is consumed and this must be remembered when drinking outside of working hours, including the previous evening.

#### Alcohol consumption for on-call staff

- **Care Quality Support Services** recognises that it would be unreasonable to require staff not to consume alcohol during periods when they are not at work. However, when the individual is on call, and may be required to drive or deal with work related issues they will be covered by this policy in the same way as though they were at work.



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- Individuals who may be expected to support children and young people whilst on call must not place themselves in a position where they smell of alcohol, or their professional competence is impaired.

#### **Support for staff who have drug, alcohol, or substance misuse problems**

- The Organisation recognises that drug and alcohol dependency is a health problem that requires special treatment and help. It also recognises that early identification is more likely to lead to successful treatment. **Care Quality Support Services** is therefore committed to supporting those staff that seek help with drug, alcohol and substance misuse problems and will maintain the strictest confidentiality when dealing with individuals, within the limits of what is practical and written within the law.
- Employees seeking help will be supported in their treatment and every effort will be made to assist them to return to good health and efficiency as part of their rehabilitation.
- Where an employee work responsibilities are seen to be an obstacle to their recovery, then redeployment may be relevant.

There are a range of support services available for employees and these include:

- Occupational Health
- GP - The employees GP can refer them onto local specialist substance misuse treatment and / or counselling services
- Specialist substance misuse treatment agencies
- Private sector substance misuse counselling and treatment agencies
- These agencies should be officially registered and can offer assessment and treatment support.
- Self-help groups – Organisations that provide peer-led group and individual support.
- Employee Assistance Programme
- Telephone helplines – can be useful for initial advice and times of crisis
- Alcohol and Substance Misuse support agencies:
  - National Drugs Helpline
  - Alcoholics Anonymous
  - Drink line
  - Drugs helpline

#### **Drug testing**



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- It is not the policy of the organisation to undertake drug or alcohol testing on employees and if required by law testing will be co-ordinated by the Police.

#### **TRAINING**

**Care Quality Support Services** recognises the importance of appropriate training for staff. For training requirements and refresher frequencies in relation to this procedure subject matter, please refer to the Training Needs Analysis (TNA) that can be obtained from the training department.

Managers will have access to training and support through their HR team to deal with any disciplinary matters resulting from noncompliance issues relating to this policy.

#### **RELEVANT LEGISLATION**

The following legislation is relevant to this policy:

- The Employment Act 2002 (Dispute Resolutions) Regulations 2004
- Data Protection Legislation
- Equality Act 2010
- Health & Safety at Work Act 1974
- Human Rights Act 1998 (Article 8)
- Management of Health & Safety at Work Regulations 1999
- Medicines Act (1968)
- Misuse of Drugs Act 1971
- Road Traffic Act 1988
- Transport and Work Act 1992

#### **Associated Documents and References**

This Policy should be read and used in conjunction with other relevant documents:

- Disciplinary Policy and procedures
- Sickness Absence Policy and Managers Guide
- Special Leave Policy
- Performance Management policy
- Occupational Health & Wellbeing Service Managers guide
- Policy for the Employment of Ex-Offenders and Continuing Employment of Offenders
- This Service Staff Handbook

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- This Service Behaviour, Discipline and Sanction policy

### **REVIEW**

This policy may be reviewed at any time at the request of either staff side or management, or in response to changes in Legislation / Guidance / best practice. It will be automatically reviewed on a 3-yearly basis.

### **Getting Help**

If you require any help with any matters relating to this policy and procedure, please speak to your This Service Care line manager or Senior manager.

**It is the responsibility of every member of staff to ensure that they are working within this policy and keep up to date with changes in policy that may affect their practice at work.**