

Substance Misuse Policy

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Type of policy (tick appropriate box):	Non-clinical <input type="checkbox"/> ✓	Clinical <input type="checkbox"/>
Mandatory to read?	Non-clinical staff <input type="checkbox"/> ✓	Clinical staff <input type="checkbox"/> ✓
Which NHSLA Risk Management Standard(s)?	Not applicable	

Which relevant CQC standards (where applicable)?	Not applicable
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Version	Section/Para/Appendix	Version/Description of Amendments	Date	Author/	Version
1.0		Adoption by CCG	Nov 14	HR	

SUBSTANCE MISUSE POLICY

1 POLICY STATEMENT

- 1.1 The organisation recognises that substance misuse related problems are an area of health and social concern. The organisation also recognises that a member of staff with such problems needs help and support from their employer. The consumption of alcohol or any substance misuse can pose a risk to the individual, work colleagues, visitors, clients and patients and is unacceptable in the context of consuming alcohol or misusing substances either before or during work.
- 1.2 The organisation also recognises that alcohol and drug abuse problems can have a detrimental effect on work performance and behaviour, including increased absenteeism and reduced productivity, and has a responsibility to its employees and those who receive services to ensure that this risk is minimised. It is also the responsibility of all employees to take reasonable care to ensure the health and safety of themselves and others who may be affected by their acts or omissions
- 1.3 The purpose of this policy is to protect all employees and the organisation and to offer appropriate help and support to the individuals concerned, where practicably possible

2. SCOPE OF THE POLICY

- 2.1 This policy applies to all staff employed by the organisation
- 2.2 Substance misuse in this policy refers to:
 - Alcohol misuse is defined as consumption of alcohol during working hours, or attending work under the influence of alcohol.
 - Drug misuse refers to the use of illegal substances and the misuse of prescribed drugs and other substances such as solvents.
 - During working hours includes during breaks or on the way to work.
 - It **excludes** drugs legally prescribed by a qualified and registered person, or over the counter medicines when used in accordance with the manufacturer's or prescribing doctor's directions.

3 GENERAL PRINCIPLES

- 3.1 Employees with alcohol, drug or other substance related problems will be encouraged to seek help and support and will be supported in seeking specialist help and if necessary will be allowed time off for counselling and treatment.
- 3.2 Employees who suspect they have an alcohol or other substance related problem are encouraged to seek specialist help voluntarily and may be advised where this information can be obtained. Employees are encouraged to discuss this with their manager and such information will be treated sensitively and sympathetically, with due regard to the well being of the employee as well as patients, clients and other staff.
- 3.3 All requests for help or referrals to the Occupational Health Department of those employees needing help will be in strict confidence.
- 3.4 Ultimately, if performance, attendance or behaviour is unacceptable, despite any support and assistance that can be offered, employees may be at risk of dismissal after due process has been followed under the disciplinary, capability or attendance management policies and procedures.
- 3.5 Equally, there may be circumstances where behaviour or actions, whether dependency-related or not, constitute gross misconduct and may result in the dismissal of the employee.
- 3.6 It is an offence under the Misuse of Drugs Act 1971 for any person knowingly to permit the production, supply or use of controlled substances on their premises except in specified circumstances (e.g. when they have been prescribed by a doctor or registered healthcare professional). Possession of and dealing in illegal substances will be immediately reported to the police in all cases.

4 ROLES AND RESPONSIBILITIES

4.1 Role of managers

Managers are required to:

- be aware of the signs of drug/alcohol and other substance misuse and the effects on performance, attendance and health of employees ensure the health, safety and welfare of employees and others with whom they come into contact
- ensure that staff understand the policy and are aware of the rules and consequences regarding the use of alcohol, drugs and other intoxicating substances

- ensure that staff are aware of the support that is available to them should they have a problem.
- monitor the performance, behaviour and attendance of employees as part of the normal supervisory relationship
- intervene at an early stage where changes in performance, behaviour, sickness levels, attendance patterns are identified to establish whether alcohol or drug or other substance misuse is an underlying cause
- provide information, support and assistance, where appropriate and for a reasonable period, to staff who are dependent upon intoxicating substances to help their recovery
- instigate disciplinary measures where appropriate to do so.

4.2 Role of employees

- All employees are expected to take responsibility for their own behaviour with regards to alcohol consumption and taking prescribed, and over the counter, drugs.
- Employees are required to familiarise themselves with this policy and comply with its provisions.
- Employees are expected to co-operate with any support and assistance provided by the CCG to address an alcohol, drug or other substance misuse problem.
- Employees who genuinely suspect that a colleague may be misusing drugs/alcohol or other substances have a responsibility to raise their concerns with the employee's line manager.

4.3 Role of Occupational Health

Occupational Health may be the point at which the problem is first acknowledged. This may be through self-referral, management referral or through identification when another issue has been raised. Occupational Health will:

- advise managers on all matters relating to the continued support for an employee, including cases where an employee requests to seek medical help but prefers to receive diagnosis, care and/or treatment from his/her own doctor.
- normally liaise with the GP who should arrange treatment involving specialists in the management of alcohol/drug misuse and/or facilitate referrals, if appropriate
- Provide advice and support to ensure a satisfactory return to work. In the majority of cases this should be back to the role performed by the employee prior to the problem being recognised.

5 PROCEDURE

- 5.1 As soon as a manager suspects, becomes aware, or is told that a member of their staff has a suspected alcohol or substance abuse problem, they should initiate a careful, sensitive discussion with the employee and encourage them to seek help voluntarily by contacting the Occupational Health Department or other appropriate sources of help. All conversations will be in strictest confidence, except in cases where the health and safety of patients may be at risk, which cannot remain confidential and may mean that further action will need to be taken.
- 5.2 All managers must be alert to alcohol and drug misuse symptoms with all employees. If an employee's work begins to deteriorate and the manager believes that alcohol or other substances may be a factor, the employee will be actively encouraged to recognise the problem and advised that they should seek more specialised help and/or treatment. The manager will be expected to take immediate positive action whenever inappropriate drinking or other drug/substance related problems are brought to their attention, which will include discussion with and referral to Occupational Health and may include temporary removal from the workplace in the case of intoxication on duty.
- 5.3 It is the responsibility of the employee to decide whether or not to seek/participate in specialised counselling and/or treatment. No employee will be required to comply with a treatment programme against their will.
- 5.4 However, if an employee rejects an offer of assistance the manager will make a full assessment of the situation and decide whether it is appropriate to take disciplinary action at this stage or allow the employee to continue working in the knowledge that the situation will be constantly under review. Where the risks to the employee or other staff/clients/patients are high, it may be appropriate to suspend the employee from work pending an investigation.
- 5.5 In cases where an employee is receiving specialised counselling and treatment they will usually be given paid time off and, in appropriate circumstances, may be granted sick leave under the terms of the NHS sick pay scheme. It is very usual for an employee to need a period of intense counselling and support, followed by a period of monitoring/support on return to work. However, it is recognised that the employee may need to attend sessions of counselling support or follow up care. This approach will support employees to return to work as rapidly as possible, as well as continuing to receive support during the first few months after the problem has been identified when the chances of relapse are highest.
- 5.6 In the event of a relapse after treatment, one further opportunity of help and treatment will be offered in those cases where employee circumstances indicate this would help the employee.

- 5.7 The organisation will guarantee that while the member of staff is receiving treatment, their current post and terms and conditions of service will be retained, providing that there is a gradual return to satisfactory work performance within a mutually agreed and reasonable time period. If, where doing so, this may undermine rehabilitation or risk patient or client safety, the organisation will make every effort to find suitable alternative employment. There may, however, be instances where an employee is receiving treatment but no suitable alternative to their current role is available and the risk to themselves and/or others is unacceptably high, in which case there may be no alternative but to medically suspend the employee until they are deemed fit to return to work.
- 5.8 Managers have a responsibility to ensure that standards of work and conduct are maintained in the workplace. Although the intention is to support and help staff identified as having alcohol or other drug/substance related problems wherever possible, there may be situations where the manager will need to decide whether the matter should be dealt with under the Disciplinary Policy and Procedure. Support to the employee and disciplinary action should not be seen as mutually exclusive and in some instances both may be appropriate, for example:
- 5.8.1 Where all offers of help and support have been rejected by the employee and their conduct and/or standards of work performance continue to be unacceptable.
- 5.8.2 Where the manager considers that the employee may be putting themselves, other employees, contractors, patients, clients or members of the public at risk.
- 5.8.3 Where excessive alcohol consumption or other substance misuse or isolated or random occasions leads to behaviour contrary to appropriate standards of safety and/or conduct
- 5.8.4 Where the manager/supervisor has reason to believe that a member of staff has broken the law while on employer's premises and/or during the course of their duties
- 5.9 Ultimately, if the process of referral and treatment is not successful, and subsequent failure in work performance and/or behaviour occurs, action up to and including dismissal will be taken in accordance with the organisation's capability policy.
- 5.10 Employees will have a right of appeal against action taken against them in accordance with the organisation's disciplinary or capability policies.