

Livewell Southwest

**Substance Misuse
– Drugs, Alcohol and Other Substances in
the Workplace Policy**

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Notice to staff using a paper copy of this guidance

The policies and procedures page of Intranet holds the most recent version of this guidance. Staff must ensure they are using the most recent guidance.

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Reader Information

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Author	People and Professionalism
Policy Author's Manager	Dawn Slater, Director of People and Professionalism
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Equality analysis checklist completed	Yes

Is the Equality and Diversity Policy referenced	Yes
Is the Equality Act 2010 referenced	No
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Supersedes document	All previous versions.
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Document review history

Version Number	Details e.g. Updated or full review	Date	Author of Change	Description of Changes and reason for change
For previous document review history please contact the Policy Co-ordinator.				
5.0	Full review	September 2019	Workforce Policy Group	Minor amendments
6.0	Full Review	March 2023	PRG	Addition of guidance for alcohol consumption for on-call colleagues

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Substance Misuse – Drugs, Alcohol and Other Substances in the Workplace Policy

1. Introduction

Livewell Southwest is committed to fairness and equity and values diversity in all aspects of its work as a provider of health and social care services and as an employer of people. We constantly strive to build a workforce that is representative of the community it serves.

Livewell Southwest is committed to eliminating all forms of discrimination on the grounds of age, disability, gender reassignment, marriage / civil partnership, pregnancy maternity, race, religion or belief, sex and sexual orientation in the provision of our services and in recruitment and employment. This enables an environment that is characterised by dignity and respect which is free from harassment, bullying and victimisation.

- 1.1 Livewell Southwest (LSW) recognises that substance abuse and alcohol related problems within the general population mean that there will inevitably be members of staff with such problems. Drugs and alcohol have an impact on cognitive performance and are associated with cognitive failures at work. This may have implications for the safety or care of patients and the health and safety of an employee and their colleagues. Therefore LSW operates a zero tolerance approach to the use of alcohol or substances in the workplace.
- 1.2 LSW is committed to the wellbeing of its employees and to supporting those employees with health issues related to alcohol or substance abuse to seek help.
- 1.3 This zero tolerance approach to the use of alcohol or substances in the workplace applies to all staff, contractors visiting and/or working for the organisation, students, volunteers and anyone else engaged to work in the organisation. For the purposes of this Policy the latter are referred to as “employees”.

2. Purpose

Livewell Southwest is committed to its responsibility to provide a safe and secure environment for all employees, service users and visitors. The aim of this policy is to support employees to carry out their duties ensuring health, safety and wellbeing is maintained.

The purpose of this policy is to ensure that employees with alcohol, drug or other substance related problems are managed sensitively and in a way that is intended to help and support them to overcome these problems.

This policy also provides guidance on situations where an employee is not fit for duty but does not have an alcohol, drug or other substance related problem, for example, consuming alcohol or drugs at times when this may have an effect on their performance at work. In such circumstances, it may be appropriate to deal with the matter in accordance with the organisation's Disciplinary policy/procedure.

3. Definitions

Any drinking of alcohol, use of illegal non-prescribed drugs, misuse of prescribed or over the counter medication, use of any other substance of abuse, e.g. solvents and use of legal highs (novel psychoactive substances) which has the potential to interfere with an employee's functioning and performance in any aspect of their job. This definition covers usage inside and outside the workplace where the effects have or may have an impact on an employee's functioning at work or employment.

4. Duties and Responsibilities

4.1 The **Chief Executive** is ultimately responsible for the content of all policies, implementation and review.

4.2 Responsibilities of Directors

4.2.1 To ensure the provision of a safe environment for both its staff and patients in line with the Health and Safety at Work Act 1974

4.3 Responsibility of line managers

4.3.1 To be responsible for ensuring employees are aware of this Policy and for investigating and referring to Occupational Health and Wellbeing (OH) when an employee is suspected of having an alcohol or substance abuse related problem.

4.3.2 To make an initial judgement about whether the employee is fit to remain in the workplace until an Occupational Health assessment can be obtained.

4.3.3 To recognise a problem by a changing attitude to work by employees which may be evidenced through poor punctuality, poor attendance, declining performance, the smell of alcohol on the breath or behaviour suggestive of intoxication, changes in mood and levels of cooperation with colleagues and declining personal standards of dress and hygiene.

4.4 Responsibility of all employees

4.4.1 Seeking help if they have an alcohol or a substance abuse problem that is likely to have an impact on their performance at work.

- 4.4.2 Not to report for duty under the direct influence or physical or psychological withdrawal features of any drug, alcohol or substance that affects their ability to carry out their duties and to inform their manager as soon as possible that they are unfit for work.
 - 4.4.3 Not to report for duty following any misuse of drugs, alcohol or substance that may impact upon performance.
 - 4.4.4 Not to bring alcohol, drugs or substances for consumption/abuse onto LSW premises.
 - 4.4.5 Not to consume alcohol or use substances of abuse whilst at work, including during meal or other breaks or when undertaking standby or on-call duties. Where staff are booked into overnight accommodation in the course of fulfilling a work obligation, e.g. residential course, conference etc., the consumption of alcohol should be limited to the recommended/safe daily limits.
 - 4.4.6 To advise their manager if they are taking any prescribed drugs which may impair their performance at work.
 - 4.4.7 To continue to communicate with their line manager during periods of absence from work.
 - 4.4.8 To encourage colleagues whom they suspect have a problem to seek help via the OH or by discussion with their line manager. If the colleague refuses to seek help, employees have a duty to bring their concerns to the attention of their line manager.
 - 4.4.9 To inform LSW and any relevant professional body if they receive a caution, conviction, reprimand or warning in relation to an alcohol or drug related offence
- 4.5 **Responsibility of any other group / individual**
- 4.5.1 The Occupational Health and Wellbeing Service (OHWS) is responsible for advising on an affected employee's fitness for work and ensuring that the employee who accepts help is referred on to an appropriate agency. The OHWS operates within strict rules of medical confidentiality and any medical information obtained within the context of clinical activities will not be released without the consent of the individual concerned other than in exceptional circumstances as laid down professional bodies. Consideration will be given to an Out of Area referral where the employee requests this.

5. The Law on Drugs and Alcohol at Work

5.1 Health and Safety at Work Act 1974:

- All employers have a general duty to ensure the health, safety and welfare of employees. If an employer knowingly allowed an employee under the influence of alcohol or drugs to continue working and this placed the employee or others at risk, the employer could be liable to criminal charges.
- Employees are also required to take reasonable care of themselves and others who could be affected by what they do. They too could be liable to criminal charge if their alcohol consumption or drug taking put safety at risk.

6. Conduct Outside of Work

- 6.1 Employees have a duty to maintain their reputation and that of their employers and their profession, in order to maintain confidence in the organisation. Evidence of substance misuse outside of work may, where the misuse is serious, be taken account of in this Policy and may result in disciplinary action, e.g. conviction for Supplying Illegal Drugs.

7. Human Resources

- 7.1 To provide support and advice to line managers in relation to employees with or suspected alcohol, drug or substance abuse problems.

8. Procedure

- 8.1 It is recognised that alcohol, drug and substance abuse problems are primarily matters of health and social concern with which sufferers need help.
- 8.2 Employees who suspect or are aware that they have an alcohol, drug or substance abuse related problem are encouraged to seek help through the OHWS or directly with an appropriate agency.
- 8.3 If a manager has concerns regarding an employee having an alcohol, drug or substance abuse problem which is affecting their conduct and/or performance at work, the manager, in conjunction with an HR Representative, must address this directly with the employee.
- 8.4 The employee will be offered the opportunity to seek an assessment from OHWS who will refer for treatment to an appropriate agency if necessary. With the employee's consent, the OHWS will keep the employee's GP informed of progress.
- 8.5 Leave to undergo treatment will be dealt with under the normal sick pay provisions in line with the organisation's Sickness Policy.

- 8.6 The OHWS will advise on fitness to return to work and any role modification, temporary or permanent redeployment necessary as a result of the individual's alcohol, drug or substance abuse problems.
- 8.7. An employee identified as having a potential problem whose behaviour or performance at work continues to be a source of concern will be subject to normal disciplinary procedures.
- 8.8 Alleged alcohol, drug or substance abuses are categorised as gross misconduct under LSW's Disciplinary Policy and, if substantiated, may result in dismissal.
- 8.9 Consideration will be given by the Professional Lead as to whether it is appropriate to refer a professional practitioner to their relevant professional body. Where a decision is taken to make a referral the employee will be informed in writing.
- 8.10 Any individual who is suspected having drunk any alcohol or being under the influence of any drug or substance whilst on duty will be subject to LSW's Disciplinary Policy. Managers should ensure that the employee leaves the workplace safely and arrange to interview them after a suitable interval to establish the circumstances and determine a suitable course of action to address the issue. Where required, managers may need to arrange alternative transport, for example a taxi to ensure that a member of staff does not drive under the influences of any substance.
- 8.11 The supplying of drugs of abuse to other people is a criminal offence. Any employee found or suspected of undertaking this activity will be reported to the Police and will be subject to LSW's disciplinary procedures.
- 8.12 Theft of medications from LSW for either personal use or supply to others is also a criminal offence. Any employee found or suspected of undertaking this activity will be reported to the Police and will be subject to LSW's Disciplinary Policy.

9. Confidentiality

- 9.1 Confidentiality will be maintained at all times and records and correspondence will be restricted to as few people as necessary and practicable.

10. Alcohol Consumption for On-Call Colleagues

- 10.1 It is recognised that it would be unreasonable to require colleagues 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.

10.2 Individuals who may be expected to see patients or clients whilst on call must not place themselves in a position where they smell of alcohol, or their professional competence is impaired.

11. Training

11.1 Training will be provided to managers, as required, on their duties in relation to this policy.

11.2 Livewell Southwest will use appropriate opportunities to promote good health and increase awareness amongst its employees regarding alcohol, drugs and substance misuse and the potential health issues.

12 Monitoring

12.1 The Policy will be monitored through the Workforce Policy Group.

All policies are required to be electronically signed by the Lead Director. Proof of the electronic signature is stored in the policies database.

The Lead Director approves this document and any attached appendices. For operational policies this will be the Heads of Service.

The Executive signature is subject to the understanding that the policy owner has followed the organisation process for policy Ratification.

Job Title: Director of People and Professionalism

Date: 16th March 2023

Appendix A

Substance Misuse – Drugs, Alcohol and other Substances – Managers Guidance

Recognising a problem

Drugs, alcohol and substance misuse has an impact on cognitive performance and are associated with cognitive failures at work. This may have implications for the safety or care of patients and the health and safety of an employee and their colleagues, and the public, for example driving whilst under the influence of drink or drugs.

Recognising the signs of drug and alcohol problems can be difficult. If managers have a good rapport with employees they are more likely to pick up on:

- sudden changes in behaviour e.g. changes in work performance such as lower productivity, poor concentration and quality of work, high levels of mistakes and errors in judgement, quickly becoming fatigued and lying about work performance, improbable excuses for poor quality of work, unreliability and unpredictability, memory loss, poor levels of concentration, reluctance to accept responsibility
- abnormal fluctuations in mood and energy e.g. neglect of details, sensitivity about references to drinking or drugs, hand tremors, neglect of personal hygiene or appearance, irritability, sudden mood swings, frequent borrowing of money
- deterioration in relationships with other people e.g. tendency to blame others for own shortcomings, becoming intolerant of others
- patterns of absenteeism e.g. increased absenteeism such as increased frequency of days off, repeated absence on the first and last days of the working week, increased minor illness, frequent lateness for work, fabricating reasons for leaving work early and unexplained disappearances from the workplace

Drug, alcohol or other substance issues may be also recognised by a changing attitude to work by employees which may be evidenced through poor punctuality, poor attendance, declining performance, the smell of alcohol on the breath or behaviour suggestive of intoxication, changes in mood and levels of cooperation with colleagues and declining personal standards of dress and hygiene.

Dealing with someone you suspect may have a problem – When you become aware of the issue or potential issue, you should:

- keep accurate, confidential records of instances of unsatisfactory performance or other problems
- interview the employee in private as early as possible in the process
- concentrate on the instances of unsatisfactory performance that have been identified
- ask for the employees reasons for unsatisfactory performance and question whether it could be due to a health problem, without specifically mentioning alcohol or drugs
- if appropriate, discuss LSW's Substance Misuse – Drugs and Alcohol Policy and the help available via the Occupational Health and Wellbeing Service (OHWS).
- agree future action
- arrange regular meetings to monitor progress and discuss any further problems if they arise. You should also seek advice from your HR representative and make an initial judgement about whether the employee is fit to remain in the workplace until an OH assessment can be obtained.

Procedure for dealing with an employee you suspect is on duty under the influence of drugs and/or alcohol

There may be times when you suspect an employee on duty is under the influence of drugs and/or alcohol. In these circumstances you should contact your HR representative as soon as possible. You should also make an accurate confidential record of your concerns, for example, outlining the employee smelt of alcohol, slurring words etc. which should be signed and dated by you.

Any individual who is suspected having drunk any alcohol or being under the influence of any substance whilst on duty will be subject to LSW's Disciplinary Policy. Managers should ensure that the employee leaves the workplace and arrange to interview them after a suitable interval to establish the circumstances and determine a suitable course of action to address the issue. **Advice should be sought from your HR Representative.**

Support Available – support is available to employees through the OHWS. The OHWS is responsible for advising on an affected employee's fitness for work and ensuring that the employee who accepts help is referred on to an appropriate agency.