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Alcohol and Substance Misuse Policy

Alcohol and Substance Misuse Policy

1. Quick Reference Guide

This policy provides a framework for the prevention and management of drug and alcohol related issues affecting Trust staff. The early identification of such issues is vitally important if both staff wellbeing and safe working conditions are to be maintained.

2. Introduction

This policy sets out the position of Salisbury NHS Foundation Trust with regard to alcohol, drugs and 'legal highs' within the workplace and the approach the Trust will take when the consumption of alcohol or drugs either affects or has the potential to affect an employee's performance at work.

The policy applies to all employees of the Trust and provides a framework for:

- Compliance with all relevant legislation under the Health and Safety at Work Act 1974, Management of Health and Safety at Work Regulations 1999 and the Misuse of Dugs Act 1971.
- Promotion of a healthy and safe environment for all Trust employees, guiding prevention and offering support to those with a drug or alcohol problem.
- Ensuring that all alcohol and drug related issues are dealt with consistently and in a sympathetic manner.

Version No.	Updated by	Updated on	Description of changes
1.0	Heidi Lewis / Jane Spenceley	08/11/2016	New policy
1.1	Alison Evans	31/01/19	Reviewed and grammatically amended to reflect Directorate name change etc. No significant content change
1.2	Lisa McLuckie – Head of Health and Wellbeing	08/03/2021	Full policy review. Further clarity/definition in section 4 linked to the consumption of drugs and substances at work. Changes made to Appendix B to reflect accurate/up to date unit definitions per categories and added how to calculate alcohol units accurately.

Version Details

3. Purpose

Salisbury NHS Foundation Trust is committed to aid prevention, treatment and rehabilitation of employees with alcohol and drug misuse conditions and to assist in the safeguarding of employees and patients (see appendix A).

- This Policy sets out a procedure to ensure that all alcohol and drug related issues are dealt with in a consistent and sympathetic manner.
- The policy provides a framework for the prevention and management of drug and alcohol related problems.
- The policy actively promotes the health and well-being of all employees and highlights the risks associated with alcohol and drug misuse.
- The policy recognises alcohol and drug misuse as a health problem and encourages staff to seek/accept help to overcome such problems at the earliest opportunity. Such actions are important in relation to being able to minimise the risk to the health, safety and welfare of the employee, their colleague's and patients and any others within the workplace.
- The policy assists in the early identification of staff whose alcohol and/or drug related problems are

affecting their work, or have the potential to affect their work. Such cases should be considered in relation to the following areas; misconduct, performance and / or ill-health

- The policy helps to ensure a safe working environment by highlighting incidents at work that could be caused through drug or alcohol related problems.

4. Definitions/Statements

For the purposes of this policy, Salisbury NHS Foundation Trust has defined the following as;

Substance means "illegal drugs, controlled and prescription drugs, alcohol and other substances (such as solvents) that are potentially capable of impairing an individual's ability to competently undertake the duties expected of them, or has the potential to harm the individual (both physically and mentally) and through the individual's actions, other people and the environment".

Misuse means "the inappropriate use of substances, where the individual would reasonably be expected to know that such substance use would be likely to cause impairment or potential harm". This would include, for example, attending work in the morning after consuming alcohol the night before, but not allowing sufficient time for the alcohol to be excreted from the body.

Inappropriate means "the deliberate and conscious taking of illegal substances and the taking of alcohol and controlled or prescription drugs in an amount that will cause impairment".

Dependence is "characterised by an inability to self-regulate personal behaviour in relation to the intake of a substance as defined above. If an individual needs to take increasingly large amounts of a substance for the withdrawal symptoms to disappear, or requires more of the substance to achieve the desired affect each time they use it, then they have a dependence".

A Lapse is "a one-off return to use of a substance after a period of abstinence, or a one-off return to excessive use after a period of controlled use." A lapse may or may not be followed by relapse.

Relapse is "the reinstatement of a problematic pattern of substance use after the successful completion of a support and/or treatment programme".

- For the purposes of this policy, Salisbury NHS Foundation Trust has also provided the following statements for clarity;

The Consumption of Alcohol at Work

It is not permitted for staff to consume alcohol or be under the influence of alcohol whilst on duty. This means either on Trust premises or whilst working from home. This measure also includes celebratory occasions (e.g. Christmas or farewell events). Exceptions to this are staff who are off duty and who live in Trust residential accommodation.

The Consumption of Drugs and Substances at Work

Staff must not use illegal and non-prescribed drugs at work (other than routine over the counter medications). Staff prescribed opiates and benzodiazepines whilst continuing to work should be referred to the Occupational Health Department for further advice.

Please note. Hospital medication/drugs must not be used for personal use. For example over the counter medications such as paracetamol should be purchased by the individual themselves and prescribed medications should be sought through appropriate routes i.e. following appointment with a General Practitioner.

Any reported personal use of Trust medication/drugs would be investigated under the Trust's Workforce Investigation Policy with the potential to proceed to a disciplinary hearing.

Drug Taking and the Law

It is an offence for an individual to possess or supply illegal drugs or to illegally supply prescription drugs. The Trust would be committing a criminal offence under the Misuse of Drugs Act 1971 if it knew drugs were being used, kept or supplied on any of its premises including residential accommodation (further information linked to this can be obtained from the Trust accommodation office). Knowingly allowing an employee to work when adversely affected by alcohol or drugs, thereby placing the safety of colleagues or patients at risk could make the Trust liable to prosecution.

Similarly, it is an offence under the Road Traffic Act, section 4, 1988 to drive or be in charge of a vehicle under the influence of alcohol or drugs. The 2015 update to this Act now provides the police with greater powers to apprehend and convict drivers who have been taking prescription drugs and other controlled substances whilst driving.

5. Responsibilities

5.1. Employee Responsibilities

- Employees must not be in possession of a substance (as defined by this policy) for personal consumption in the workplace or consume a substance in the workplace, other than drugs prescribed for medical reasons or drugs bought over the counter for minor ailments.
- Employees must not attend or try to work when unfit because of alcohol, drugs (whether illegal or not) or other substances.
- Employees should be familiar with this policy; in particular the employee's own responsibility towards themselves and towards colleagues in accordance with the Health and Safety at Work Act 1974 and any professional standards / codes of conduct.
- Employees should refer themselves for appropriate help via Occupational Health, their General Practitioner or available drugs and alcohol support services if they have any concerns linked to substance misuse issues. They should also comply with any referral decision and recommended course of action which could include entering into a formal contract for testing over a defined period, specialised counselling or specific treatment regimes.
- Work colleagues should be seen as a valuable support mechanism and the Trust encourages all employees to recognise potential substance misuse issues in their colleagues, and encourage them (their colleagues) to seek support. Further information linked to the potential signs of substance misuse can be found in appendix B.

5.2. Line Manager Responsibilities

- Ensure employees are aware of their responsibilities in relation to this policy and create an environment where employees feel able to come forward if they have a drug or alcohol related issue.
- Monitor work performance through supervision and appraisals and identify problems at an early stage in line with the Trust's Attendance Management and Performance Management Policies.
- Where problems in work performance are suspected to be, or are highlighted by the individual to be, caused through the effects of alcohol or substance misuse, then appropriate action should be taken following discussion with the Divisional People Business Partner.
- Encourage employees to discuss problems and then seek help from the Occupational Health Department or other appropriate sources, if they become aware or are made aware that an employee has a problem related to substance misuse.
- Initiate referrals to the Occupational Health Department for assessment and appropriate onward referral or treatment when there is unsatisfactory or deteriorating job performance or conduct possibly linked to substance misuse. Appropriate support should be provided to the employee during all phases of such assessment and treatment and it should be acknowledged that such interactions may involve the individual being absent from work.
- Provide appropriate support during any agreed rehabilitation programme. Such treatment may necessitate a probationary return to work during which, for a defined period of time, the individual may need to attend follow-up care. Such activity is important as it ensures that while the individual returns to work quickly, they also continue to receive support during a period where the chance of relapse is at its greatest.

- To provide further opportunity for support and treatment in the event of a relapse, in cases where individual circumstances indicate this would be beneficial to the employee. This may include a further referral/further discussion with the Occupational Health Department.
 - Where it is considered that all reasonable support has been provided and substance misuse is continuing, to take appropriate disciplinary action following guidance from the Divisional People Business Partner. This is likely to involve further input from the Occupational Health Department.
 - To take immediate action whenever inappropriate substance use is brought to their attention and ensure that its continuation is prevented. In such instances and if there are reasonable grounds to believe that an employee is unfit to work, the manager must make the decision to send the employee home, via a safe method of transport and wherever possible accompanied. Such a decision should be corroborated by a second manager if possible. Evidence of an employee being unfit to work could include abnormal behaviour, impaired cognition, slurred speech, poor physical co-ordination or smelling of alcohol.
 - In conjunction with the Divisional People Business Partner to support and undertake appropriate investigations following an incident where substance misuse may be a contributory factor. Such investigations should be undertaken in line with the;
 - o Trust's Disciplinary Policy
 - o Handling Concerns About the Conduct and Performance of Doctors and Dentists Policy
- Further information linked to the above is detailed in the flowchart available in appendix C.

5.3. Occupational Health Responsibilities:

- To provide appropriate confidential services for the assessment and onward referral for all employees who are referred due to substance misuse (both self-referrals and Manager referral).
- To liaise with primary care and specialist substance misuse services to ensure the employee is provided with appropriate support and then to monitor compliance with and ongoing effectiveness of, these support programmes.
- To obtain information from treating practitioners, relative to the individual case, (with the employee's consent), to help assist with on-going fitness for work assessment.
- Provide Line Manager/OD and People Team with fitness to work advice. Any information provided to third parties would be undertaken with the full knowledge of the employee.
- The Occupational Health Department should not be involved with any management decision to send employees home if it is suspected that the employee is under the influence of substances whilst at work.
- The Occupational Health Department will not undertake biological testing to confirm that an employee is under the influence of substances whilst at work.
- The Occupational Health Department will inform the employee's manager if they fail to attend an appointment linked to substance misuse on more than one occasion. The Manager should then notify the Divisional People Business Partner for further advice/support.

5.4 OD and People Responsibilities:

- To provide advice and support linked to the implementation of this Policy.
- To support managers in dealing with staff who either admit to or are thought to be affected by substance misuse issues.
- To ensure that all of the employees' rights and benefits are safeguarded should they require a time away from the workplace to undergo treatment regimes.
- To signpost staff for assistance wherever appropriate.
- To advise on the use of various Trust policies to seek resolution to any identified issue
- To monitor the effectiveness of this policy through regular reports to the Deputy Director of OD and People.

5.5. Trade Union Responsibilities:

- To help inform the workforce of this policy.
- To encourage members to seek help voluntarily.
- To advise members of their rights and responsibilities under this policy.
- To promote and support a safe working environment within the Trust.

6. Support and Treatment

With appropriate support and treatment it is possible for an employee to return to effective and safe working practice following identification of a substance misuse issue. With this in mind, Salisbury NHS Foundation Trust will treat any reported substance misuse problem as a health issue.

In all such cases the Occupational Health Department should be accessed by the employee or the employee's Manager, through the referral process as outlined in the Trust's Attendance Management Policy. This referral process is confidential and relevant information will only be shared with other parties with the employee's knowledge and consent.

When an employee is referred to the Occupational Health Department, they will undergo an initial assessment undertaken by an Occupational Health Professional. This assessment will be based upon any information available at the time and if referral is made by the Line Manager, will consider details of any specific incident or a general deteriorating in work-related performance.

If there is an identified substance misuse issue, and the Occupational Health assessment indicates that further specialist support is required, then the employee will be referred for such support. This would usually be via or in collaboration with the employee's primary care provider, but sometimes direct referral from the Occupational Health Department to the most appropriate agency may be undertaken. The Line manager and Divisional People Business Partner would be notified of such situations.

If the employee denies substance misuse and does not wish to access further support, the Occupational Health Department will notify the Line Manager and Divisional People Business Partner of this decision. Appropriate action would then need to be considered in line with appropriate Trust policies such as;

- Attendance Management Policy
- Performance Management Policy
- Handling Concerns About the Conduct and Performance of Doctors and Dentists Policy

7. Rehabilitation of Employees on Long-term Sickness Absence

The rehabilitation of employees on long-term sickness will be managed in accordance with the principles of the Trust's Attendance Management Policy.

The employee may be assessed as suitable to return to work either during or following the completion of a treatment / support programme linked to a substance misuse issue. In such instances the Occupational Health Department will review the employee's progress and, with the employee, Line Manager and Divisional People Business Partner develop a plan to facilitate the employees return to work.

The Line Manager should meet with the employee at regular intervals during any sickness absence or at any time as advised by the Occupational Health Department if operationally feasible. The undertaking of all rehabilitation programmes should be documented, and any ongoing treatment programmes should be incorporated within the return to work programme where possible.

The Occupational Health Department may review the employee at agreed stages during rehabilitation. Biological testing may be performed by a third party at the request of the treating health professional following discussion and consent of the employee (this would be for both testing and advising management of any results). Such testing may allow the success of any treatment programme to be monitored.

If at any stage, it is envisaged that full rehabilitation is unlikely to be achieved within the recommended timescale, a case conference with the Occupational Health Department should be convened to discuss and review the reasons for this.

If it is determined that it will not be possible to successfully rehabilitate the employee back to work and, all other options as outlined in various Trust policies have been considered, it may be necessary to dismiss the employee on the grounds of capability in accordance with the Trust's Performance Management Policy.

8. Lapse and Relapse

Lapses and relapse often occur following a successful support and treatment programme.

A lapse is a one-off occurrence, where the employee does not automatically return to the previous pattern of problem behaviour. Where there is evidence of a lapse, but attendance and performance are not affected, the employee should be referred to the Occupational Health Department to ascertain whether further support is needed.

A lapse which constitutes unacceptable performance or affects attendance, or a relapse in which the employee returns to the previous pattern of problem behaviour, should be dealt with under the appropriate Trust policy or procedure. Guidance in such a situation should be sought from the Divisional People Business Partner.

9. Monitoring Compliance with and the Effectiveness of this Policy

The Occupational Health team will gather and analyse data on a quarterly basis and use this data to ensure policy compliance and the consistent management of cases.

The Occupational Health team will also provide relevant trend reports, based on this data, to committees when requested and where anonymity can be assured.

10. Policy Review

Following approval, this policy will remain valid for three years. An earlier review may be necessary should exceptional circumstances resulting from this policy arise or should legislative changes mean that the policy becomes unfit for purpose.

11. Equality Impact Assessment for Policies

Salisbury NHS Foundation Trust aims to design and implement services and policies that meet the diverse needs of its services, population and workforce, ensuring that none are placed at a disadvantage over others.

This document has been assessed against the Trust's Equality Impact Assessment Tool which was presented to the ratifying committee

12. Appendices

Appendix A - Addressing Deteriorating Performance or Attendance

Appendix B - Indications of Alcohol and Drug Related Problems

Appendix C - Incident Management Flowchart

Post Holder /Author Responsible for Policy:	Head of Health and Wellbeing
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