

DRUG, ALCOHOL AND SUBSTANCE MISUSE	Policy Register No: 04045 Status: Public
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Consulted With	Individual/Body	Date
Human Resources	Nona Stevenson	May 2016
Professionally Approved By	Bernard Scully, Director of Human Resources	May 2016

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Author/Contact for Information	Laura McCullagh
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Document Review History

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1.0	Rob Jarvis	July 2006
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4.1	Nada Rogers – 6 month extension due to review & MSB harmonisation	13 th June 2019
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1. Purpose

- 1.1 The Trust recognises both its obligation to ensure a safe working environment as specified in legislation and its role in supporting staff experiencing alcohol, drug or substance misuse problems and supports proactive employee health, safety and welfare policies within the workplace.
- 1.2 It is becoming increasingly evident that use of alcohol and drugs, including some which are legitimately prescribed, do significantly affect people at work. This may result in time off from work, difficulties with performance whilst at work as well as behavioural issues in relation to colleagues and members of the public. In the Trust, where provision of care to patients is our main purpose it is crucial that such effects are avoided. Failure to address these issues firmly may jeopardise the health and safety of patients as well as that of staff.
- 1.3 Substance misuse can harm the individual, their colleagues and the work environment.

Misuse covers three main areas:

- Inappropriate use, where use may aggravate an existing condition or situation, or is carried out in potentially dangerous or inappropriate circumstances
- Habitual use, where the individual becomes dependent on the effects of the substance to the extent that the desire for these effects becomes a dominant concern in their lives
- Excessive use, which can lead to physical and mental illness or antisocial behaviour

2. Aims

- 2.1 To promote the health and welfare of Trust employees and to protect patients, clients, employees and visitors to the Trust in relation to drugs, alcohol and substance misuse.
- 2.2 To establish effective and consistent guidelines on the use of drugs, alcohol and substances by Trust employees whilst on Trust premises or whilst engaging on Trust business on non-Trust premises.
- 2.3 To provide a framework to allow firm and fair management of staff experiencing the effects of drug, alcohol or substance misuse at work whilst at the same time ensuring all reasonable steps are taken to support staff.
- 2.4 To state clearly the responsibilities of managers, staff and support services when dealing with employee's drugs, alcohol and substance misuse issues and to encourage them to seek help before it becomes a disciplinary matter.
- 2.5 To ensure the provision of consistent advice and support for any staff who may have a drug, alcohol or substance misuse problem and to encourage them to seek help before it becomes a disciplinary matter.

3. Scope

- 3.1 This policy applies to all employees of Mid Essex Hospital Services NHS Trust.
- 3.2 Elements of this policy will also apply to contracted staff, volunteers and visitors e.g. illegal acts and health and safety risks to employees or the environment.

- 3.3 Third party organisations that provide contracted services for the Trust should be provided with a copy of this policy and will ensure that their employees are made aware of and comply with the relevant parts of the policy.
- 3.4 This policy does not apply to drugs or over the counter medicines that do not affect staff's ability to carry out their duties.

4. Roles and Responsibilities

4.1 As a large employer and public-sector healthcare provider, the Trust has a number of responsibilities in this area which may be summarised:

- Provide patients and clients with high quality, safe services and the highest standards of customer care at all times
- Protect the health and safety of all staff, patients and visitors and the good health of staff, incorporating the Trust's general duties under the Health and Safety at Work Act 1974
- Ensure staff are aware of the effects that consumption of alcohol or drugs can have on both their work and on their health and personal well-being
- Provide managers with effective advice and mechanisms for dealing with problems arising from staff misuse of alcohol/drugs, including encouraging early identification of problems so that the appropriate advice and support for staff in dealing with alcohol or drug related problems can be provided

4.2 Chief Executive

The Chief Executive has overall responsibility for all staff employed by the Trust and for ensuring they are managed responsibly.

4.3 Managers

4.3.1 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 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, drugs or other substances are an underlying cause

- Provide information, support and assistance where appropriate and for a reasonable period to staff who are dependent upon intoxicating substances to aid their recovery
- Maintain accurate records of events from the initial approach to an employee and throughout each subsequent action

4.3.2 It is recognised that some managers may find it difficult to directly challenge another member of staff who they suspect are intoxicated or drunk on duty or have an alcohol, drug or substance misuse problem. They should therefore seek advice and support from their line manager or the Human Resources department. Out of normal office hours, they should refer the matter to the Senior Manager or Director on call as appropriate.

4.4 Employees – All Times

- 4.4.1 All Employees have a responsibility to familiarise themselves with this policy and to comply with its provisions
- 4.4.2 All employees are required to take responsibility for their own behaviour with regards to alcohol consumption and taking prescribed and over the counter drugs
- 4.4.3 All employees are required to present a professional, courteous and efficient image to those with whom they come into contact at all times. They therefore have a personal responsibility to adopt a responsible attitude towards drinking and taking prescribed and over the counter drugs
- 4.4.4 All employees have an obligation under general health and safety legislation and their professional code of practice (where relevant) to report any instances where they suspect an employee is under the influence of alcohol, drugs or other substances whilst at work, or if they themselves have a substance misuse problem
- 4.4.5 Employees are not permitted to trade or sell any drugs on Trust premises or bring the Trust into disrepute by engaging in such activities outside of work.
- 4.4.6 Employees may possess and store prescription drugs or over the counter medications for their own use.

4.5 Employees - During working Hours

- 4.5.1 Employees must report for work and remain throughout the working day in a fit and safe condition to undertake their duties and not be under the influence of alcohol, drugs or other substances of misuse
- 4.5.2 Employees must not consume alcohol or drugs at any time while at work including during rest or meal breaks spent at or away from work premises. Exceptions apply to drugs prescribed for the individual or over the counter medicines used for their intended purpose (in accordance with the instructions given by the prescriber, pharmacist or manufacturer) and where the safety of the individual or others with whom they come into contact is not compromised
- 4.5.3 Employees must notify their manager immediately should they be prescribed medication or plan to take over the counter medicines that may cause side-effects and impair their ability to undertake their duties safely and effectively. This is particularly important if they occupy a post where it is not only their own personal safety but those of others that could be jeopardised

- 4.5.4 Employees who experience side-effects as a result of taking prescribed or over the counter medicines that impair their ability to perform their duties safely and satisfactorily must notify their line manager immediately
- 4.5.5 Employees are not obliged to discuss the actual medical condition being treated nor the medication – simply the impact / side-effects

4.6 Employees - Outside working Hours

- 4.6.1 Employees must not consume intoxicating substances before coming on duty or when they feel they may be required to attend work at short notice, for example when they are on call.
- 4.6.2 Intoxicating substances such as alcohol may remain in the system for some time and even small amounts can impair performance and jeopardise safety. Employees are personally responsible for allowing sufficient time for the intoxicating substance to leave their system before reporting for work
- 4.6.3 All employees are expected to support colleagues who have an alcohol/substance dependency problem by encouraging them to seek advice.

4.7 Occupational Health

- 4.7.1 Occupational Health should be involved at the earliest possible stage if a drug, alcohol or substance misuse problem is suspected. Confidentiality will be respected unless the employee is a danger to themselves or others, or if they disclose information of illegal activity. The Occupational Health Service will support staff and management by:
- Assessing referred employees under the policy in strict confidence
 - Offering a self-referral to those employees who recognise a problem. Where an employee voluntarily seeks help, the earliest available appointment to see an Occupational Health Adviser and every effort will be made to secure professional help as soon as possible
 - Accepting management referrals for employees who are suspected of alcohol/substance abuse
 - Supporting staff during their treatment and recovery period, including encouraging them to contact the Occupational Health Department for counselling and practical advice
 - To work collaboratively with the employee, their GP, Line Manager, HR Department and Staff Side representatives
 - Monitor progress of the employees with regard to compliance to treatment

4.8 Human Resources Department

- 4.8.1 To support and provide advice to managers and employees in the operation of this policy

5. Equality and Diversity

- 5.1 Mid Essex Hospital Services NHS Trust is committed to a Policy embracing the Equality Act 2010 in all its employment practices and strives to eliminate all unfair discrimination, harassment, bullying and victimisation. Equality of opportunity is a high priority within Mid Essex Hospital Services NHS Trust and the Trust will not unlawfully, unfairly or unreasonably discriminate or treat individuals less favourably on the grounds of gender, marital status, sexual orientation, religion or belief, disability, age, race, nationality or ethnic origin.

6. Handling of Drugs

- 6.1 Certain authorised NHS staff, where required as part of their duties, have authority to be in possession of controlled drugs for the purposes of healthcare delivery.
- 6.2 Otherwise, in accordance with the Misuse of Drugs Act 1971, NHS staff members have no authority to be in possession of controlled drugs except when:
- “Knowing or suspecting it to be a controlled drug, they take possession of it for the purpose of preventing another from committing or continuing to commit an offence in connection with that drug and, as soon as possible after taking possession of it, take all steps as are reasonably open to them to deliver it to the custody of a person lawfully entitled to take custody of it”
- 6.3 The security, handling and management of all Controlled Drugs is contained within the Trusts Controlled Drug Policy which can be viewed or downloaded from the staff intranet.
- 6.4 All incidents where illegal controlled drugs are discovered will be reported to the Police for further investigation.

7. Management of Employees with Drug, Alcohol or Substance Misuse Problems

- 7.1 Substance misuse can affect the performance of staff in several ways and it may not be appropriate to deal with every situation in the same way. There may be an immediate situation requiring resolution or an on-going performance issue to be managed. For example:
- An incident may occur as a result of a member of staff being under the influence of alcohol, drugs or other substances;
 - A pattern of regular absences may emerge or a complaint may be received about a member of staff which indicates there may be a substance misuse problem
 - Performance may deteriorate over a period of time
- 7.2 As some prescribed drugs can have an adverse effect on an employee’s health and work performance managers should take appropriate action if their staff are affected by them. All such cases should be dealt with in a sympathetic manner. Disciplinary action would not normally be appropriate – however each case would have to be examined on its own merits.
- 7.3 Any medicine that comes with a warning that its use may impair driving or affect the employee’s ability to operate machinery, should not be used as they may render a person unfit for work. It is the staff members responsibility, if they buy or are

prescribed such medicines, to enquire from the pharmacist or from the doctor as to whether taking the medicine may affect their ability to work

- 7.4 As with any problem affecting ability to work, initial action must be taken by the line manager. It is important to identify any on-going problem at an early stage when help can be made available. It would not normally be necessary to suspend an individual pending investigation, unless there could be a risk to themselves, a patient or another member of staff. Suspension (if necessary) must be carried out in accordance with the Trust's disciplinary procedure
- 7.5 Managers should first undertake an initial informal interview within a confidential environment to determine the extent of the problem and to offer support and advice. Managers should refer cases of suspected or admitted substance abuse to Occupational Health. The written consent of the member of staff should normally be obtained, but if there is a serious concern and they refuse to give their consent, the management referral should proceed.
- 7.6 Members of staff may also make a confidential self-referral to the Occupational Health Department for help and support. Clinical details and advice are kept in the strictest confidence and Occupational Health will only divulge details with written agreement from the member of staff, except in cases where there may be a serious risk to that person, patients, other staff or the public.
- 7.7 Employees who come to their manager's attention as possibly suffering from drug or alcohol related problems, whether by observation, poor performance or conduct or by their own voluntary action will:
- Attend an initial interview with their manager within a confidential environment where their manager will offer support, advice and endeavour to determine the extent of the problem. The staff member should be given the opportunity to be accompanied to this meeting by another work colleague or Trade Union representative. This initial interview will examine the possible causes of deterioration in their work performance or conduct. Members of staff who volunteer that they have dependence issues will be treated and supported as sensitively as possible.
 - Be referred to the Occupational Health Service who will provide an impartial, confidential service to staff which may include counselling, assessment and referral on for professional help. With the consent of the employee, the treatment plan will be shared with the line manager and the HR Department. In some instances, it may be more appropriate to use external agencies as long as the treatment plan is acceptable to the Occupational Health department.
 - Be granted any necessary time off for treatment in accordance with the usual terms and conditions of employment in conjunction with the Trusts Sickness and Leave Policy.
 - Be assisted to overcome any significant identified problem regardless of whether they have been subject to disciplinary action, short of dismissal.
 - Have any current disciplinary issues associated with the drug, alcohol or substance misuse reviewed and if appropriate be suspended for the duration of the treatment.
 - Be monitored in regard to his or her work performance and conduct for a specified period if a drug, alcohol or substance misuse problem has been identified and yet treatment has been declined; any suspended disciplinary proceedings will be

reopened in an endeavour to remedy the situation, in line with the Trusts disciplinary policy.

- If performance and or conduct returns to a satisfactory level after treatment, no further action will be taken against them on related pre-existing issues other than routine reviews to ensure that there are no further problems. However, if job performance does not improve the manager will manage the situation in line with the Trusts Disciplinary procedure or Capability procedure
- Have disciplinary action taken against them if they discontinue a course of treatment before satisfactory completion and or refuse to accept the advice and guidance which has been given by the professional advisers dealing with the situation
- If a staff member has been proven to have taken illegal substances on Trust premises then they will be reported to the police who will undertake thorough investigations.

8. Management of an Employee at Work who is Suspected to be Under the Influence of Alcohol, Drugs or Other Substance of Misuse

- 8.1 When a manager is of the opinion that an employee is unfit for duty, apparently due to the effects of substance misuse, the employee should be seen by a manager in the presence of a third party and informed that they must go off duty as unfit for work. A written record should be kept of the meeting. The manager must ensure that a safe method of travel home is available, including providing a taxi where necessary. It would not normally be necessary to suspend an employee pending investigation, unless there could be a risk to themselves, a patient or another member of staff.
- 8.2 It is not appropriate to send the employee to Accident and Emergency for a breath test, due to the fact that if they have substance misused, they are not in a position to give informed consent. However, if the individual suggests themselves having a breath test to eliminate concerns raised by colleagues or line managers, this is permissible.
- 8.3 An investigation would subsequently need to be invoked in line with the Trust's Staff Investigation Protocol.
- 8.4 The employee would be the first to be interviewed in the investigation process. The course of action would be determined by the content of the investigative interview with the employee.
- 8.5 The Trust has the right to request that staff show the contents of their lockers when it is suspected that illegal substances are stored within.
- 8.6 If it has been proven that a staff member has taken illegal substances whilst on Trust premises they will be reported to the police who may perform thorough searches.
- 8.7 If the employee admits to having an alcohol, drug or substance misuse problem then Section 7 of this policy should be followed.
- 8.8 If the employee denies having a substance misuse problem, the Trust's Capability / Disciplinary policy should be followed.

9. Return to Work Following Treatment

- 9.1 Wherever possible, the successful completion of treatment should result in the employee returning to his / her job. If the employee is unable to undertake the duties of that post, for whatever reason, attempts will be made to redeploy to another suitable job under the Trusts Redeployment Policy. The Occupational Health Department will liaise with the employee's GP.
- 9.2 If the employee does not accept the recovery programme offered, the Occupational Health Department would refer the individual back to the Manager if possible indicating when it is likely the employee will be fit to return to work and in what capacity.

10. Relapses

- 10.1 Following a return to work after or during treatment, should the individual's behaviour or work performance again deteriorate as a result of alcohol or drug related problems, each case will be considered separately and, if appropriate and reasonable, a further opportunity to accept and co-operate with treatment may be exceptionally offered, and an improvement plan will be agreed setting out what is expected and dates for review.

11. Screening and Testing

- 11.1 It is not the Trust's policy to undertake regular or random employment or pre-employment screening to detect the use of drugs, alcohol and/or other substances of abuse.
- 11.2 Evidence of an employee's intoxication at work could include being involved in an accident, abnormal behaviour, impaired cognition, slurred speech or poor physical co-ordination. The manager should also refer the employee to the Occupational Health Department where a reasonable investigation will be undertaken to assess the employee for intoxication.
- 11.3 A reasonable investigation does not require objective testing, therefore testing will be carried out only on rare occasions when:
- There are grounds to suspect that their actions or omissions may have contributed to an incident or near-miss of a patient's safety but no clear clinical evidence of intoxication.
 - Abnormalities of behaviour lead management reasonably to suspect that the member of staff may have the issue of 'substance misuse' but their clinical state, such as medication, epilepsy, diabetes etc. complicates the evidence.
- 11.4 In these circumstances, testing may include the detection of blood alcohol (Zero tolerance) and/or traces of illegal drugs in breath, urine or other samples.
- 11.5 The Trust must not use (and will immediately destroy) any incidental information about a person's health and lifestyle that may arise from the tests and which is irrelevant to their purpose.

12. Major Incidents (MAJAX)

- 12.1 The overriding concern and responsibility of the Trust is for the health and safety of its patients and staff. In the event of a major incident, staff who are drunk or intoxicated should not be expected to report for duty. Each case will need to be assessed on its merits and in the context of the seriousness and immediacy of the incident.

13. Social Events

- 13.1 Organisers who wish to arrange social gatherings on Trust premises at which alcohol is available, such as leaving events and Christmas celebrations, must have the permission of the relevant Director or Manager.
- 13.2 A variety of non-alcoholic drinks should also be made available. Employees are also advised to give careful thought to transport arrangements home after any work-related function at which alcohol may be served.

14. Breaches of Policy

- 14.1 Where there is a significant breach of this policy, the HR Operations Team must consider whether that breach should be reported under the Trust's Datix reporting procedure.

15. Audit and Monitoring

- 15.1 The policy will be monitored annually by the Human Resources Operations Team with areas of exception being highlighted.
- 15.2 A yearly audit of all breaches of this Policy will be carried out and submitted to JCNC. This will be completed by the Human Resources Operations Team.

16. Communication and Implementation

- 16.1 Staff will be made aware of this policy through reference at Corporate Induction and dissemination via Staff Focus. The document will be stored for access to all on the MEHT Intranet under HR Policies and will be available also on the Trust website.

17. Review

- 17.1 This policy and procedure will be reviewed within 24 months of its agreement and bi-annually thereafter. Any additional amendments will be made in accordance with any changes in legislation.

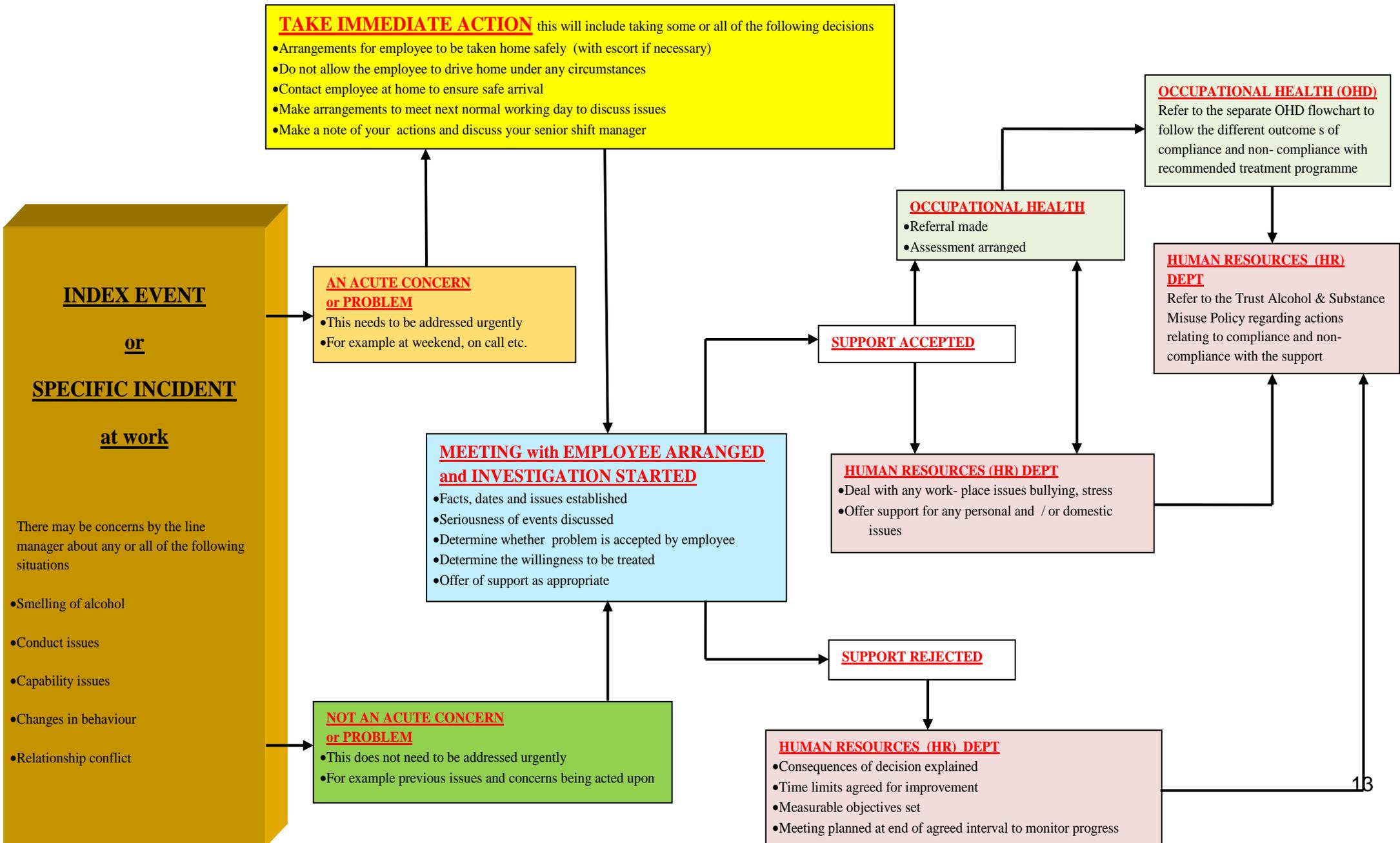
18. Pensions Auto Enrolment

- 18.1 Since 1st July 2013 the Trust has an obligation to assess all workers and their individual position within the organisation. This being the case, staff need to be aware that any changes to pay under this policy may affect their Pensions Auto Enrolment Status.

19. References

- 19.1 Drug Misuse and Dependence: UK Guidelines on Clinical Management. DH 2007
- 19.2 Don't Mix It – A guide for employers on alcohol at work. Health and Safety Executive 2007
- 19.3 Managing Drug and Alcohol Misuse at Work. Chartered Institute of Personnel Development. 2007
- 19.4 Taking alcohol and other drugs out of the NHS workplace. DH 2001

PROCEDURE FOR DEALING WITH EMPLOYEES WHEN THERE ARE SUSPECTED ALCOHOL / DRUG RELATED PROBLEMS



Contact Numbers for Staff Support

The Trust Occupational Health Department can offer advice and support to staff who are experiencing problems with alcohol, drugs or substance misuse

The Occupational Health Department is open from 08.30 – 16.30 Monday – Friday and is located in: Zone C 453

Telephone Numbers

Occupational Health Reception: 01245 514089 (Ext 4089)

The Staff Counselling Service is located within the Bioskills Training Rooms and can be contacted on 01245 514838 (Ext 4838)

External Organisations

- **Alcoholics Anonymous**
National Helpline: 0845 769 7555
Alcoholics Anonymous hold a meeting within the Medical Academic Unit at Broomfield Hospital every Thursday evening from 19.00 to 22.00hrs
- **Drug and Alcohol Team Mid Essex (Changes)**
Provides advice, counselling and support for those with drug and/or alcohol or other substance misuse problems
Unit 4 & 5a Cornell Estate, Navigation Road, Chelmsford, Essex CM2 6HE
Telephone 01245 318580
- **Open Road**
A registered charity which provides support for individuals who are affected by drugs and alcohol across Essex and Suffolk.
Telephone: 0844 499 1323