

# Substance Misuse Policy

HWHR21

## Document Reference Information

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## **1. Introduction**

- 1.1.** Herefordshire and Worcestershire Clinical Commissioning Group (CCG) is committed to protecting the safety, health and well-being of its staff and all people who come into contact with its services or premises.
- 1.2.** The CCG recognises that misuse of alcohol and/or substances may not only affect the health of staff but also attendance at work, work performance and relationships with colleagues. It is therefore committed to ensuring a working environment which is free of this risk.
- 1.3.** The CCG considers the dependency on alcohol, drugs, or substances to be a health problem for which the individual requires specialist treatment and support. As such, the CCG offers to provide assistance to individuals with alcohol or substance dependencies where appropriate.

## **2. Equality Statement**

- 2.1.** Herefordshire and Worcestershire CCG aim to design and implement policy documents that meet the diverse needs of our services, population, and workforce, ensuring that none are placed at a disadvantage over others. It takes into account current UK legislative requirements, including the Equality Act 2010 and the Human Rights Act 1998, and promotes equal opportunities for all. This document has been designed to ensure that no-one receives less favourable treatment due to their personal circumstances, i.e. the protected characteristics of their age, disability, sex, gender reassignment, sexual orientation, marriage and civil partnership, race, religion or belief, pregnancy, and maternity. Appropriate consideration has also been given to gender identity, socio-economic status, immigration status and the principles of the Human Rights Act.
- 2.2.** In carrying out its functions, Herefordshire and Worcestershire CCG must have due regard to the Public Sector Equality Duty (PSED). This applies to all the activities for which Herefordshire and Worcestershire CCG are responsible, including policy development, review, and implementation.

## **3. Scope**

- 3.1.** The policy applies to all staff of the CCG including bank staff, secondees, volunteers, staff on fixed term contracts and honorary contracts. For those staff not directly employed by the CCG but carrying out work on CCG premises e.g. agency workers, contractors, only the rules regarding consumption of alcohol and/or substances apply. Where concerns about performance and health issues arise, their employing organisation must be notified.
- 3.2.** This policy distinguishes between staff who acknowledge that they have a genuine alcohol or substance misuse problem and seek assistance for it, and those who are in breach of the CCG's Disciplinary Policy concerning alcohol or substance misuse related issues.

## 4. Purpose and Principles

- 4.1. This policy is designed to detail the CCG's approach to managing circumstances where substance abuse is suspected. The policy will also provide managers with guidance for managing the effects of substance misuse by employees.
- 4.2. All issues raised under this policy will be treated in the strictest confidence unless there is an overriding concern. Any information being released to other parties must be strictly on a 'need to know' basis and handled with the upmost sensitivity.
- 4.3. There is a distinction between staff with alcohol or substance misuse problem which will be regarded as a health problem, and misconduct involving alcohol or substances which will be dealt with under the CCG's Disciplinary Policy. Where an alcohol or substance misuse problem is identified, the procedure in this policy should be followed.
- 4.4. Research suggests that early identification of substance misuse problems improves the chances of treatment being successful. Therefore, the workplace provides an opportunity for early intervention because impaired work performance should be easily recognised. All managers have a responsibility under this policy to be vigilant, proactive, and supportive to ensure the appropriate management of any alcohol or drug related problem.
- 4.5. The CCG will try to offer help and assistance to any member of staff who has an alcohol or substance misuse problem, however, it is also the responsibility of the member of staff to accept this help and assistance to improve their condition. If they chose not to accept this help and their condition continues to be a cause for concern, disciplinary action may be considered.
- 4.6. The key principles of this policy are:
- Alcohol must not be consumed on CCG premises and/or during working hours unless previously agreed by a Senior Manager for a formal function e.g. conference events.
  - Staff must not consume alcohol or use any substance that may impede their performance during breaks or prior to a shift starting.
  - Staff must not consume, have in their possession, or trade any illegal drugs whilst on CCG premises and/or during working hours. Any activity or behaviour over which there are concerns as to its legality will lead to disciplinary action and the involvement of the police.
  - All employees are individually responsible for taking all reasonable precautions to ensure their fitness for work. Managers may, however, periodically wish to remind employees of their individual responsibility for this.
  - If, whilst under the influence of alcohol, drugs or other substances at work, a member of staff behaved in a way which could be regarded as gross misconduct, for example carries out an assault, behaves indecently, causes malicious damage to property or threatens in any way the health or safety of a patient, a member of the public or another member of staff, irrespective of whether support may also be appropriate for an underlying problem, disciplinary action will be taken which could result in dismissal.

## **5. Responsibilities**

### **5.1. Chief Executive**

- 5.1.1. The Chief Executive is responsible for the policy and its implementation and has the authority to approve the procedure in this policy and any amendments in response to changes in legislation or best practice.

### **5.2. Line Managers are responsible for:**

- 5.2.1. Ensuring that they and their staff are aware of this policy and know how to seek appropriate advice and support if they identify they have a problem.
- 5.2.2. Seeking advice and support from the Occupational Health and the Human Resources Team in all cases of actual or suspected alcohol and/or substance misuse.
- 5.2.3. Intervening at an early stage where changes in performance, behaviour, sickness levels or attendance patterns are identified to establish whether alcohol, drugs or substance misuse is an underlying cause.
- 5.2.4. Encouraging staff to seek help voluntarily.
- 5.2.5. Maintaining a high degree of confidentiality throughout the application of this policy.
- 5.2.6. Using disciplinary measures only when appropriate to do so.

### **5.3. Staff are responsible for:**

- 5.3.1. Familiarising themselves with this policy and complying with its provisions.
- 5.3.2. Reporting for work, and remaining throughout their shift, in a fit and safe condition to undertake their duties and not be under the influence of alcohol and drugs.
- 5.3.3. Notifying their Line Manager if they are experiencing side effects that impair their ability to perform their duties safely and satisfactorily as a result of taking prescribed or over-the-counter medication. Staff do not have to tell their manager the medical condition that they are being treated for, simply the side effects.
- 5.3.4. Seeking help if they have concerns regarding their alcohol or drug consumption with their Line Manager, Occupational Health, GP, or other external agency.
- 5.3.5. Co-operating with any support and assistance provided by the CCG to address an alcohol or substance misuse problem.
- 5.3.6. Acting within professional guidelines and CCG policy with regard to colleagues suspected of having an alcohol or substance misuse problem.

### **5.4. Human Resources are responsible for:**

- 5.4.1. Providing consistent and appropriate advice to managers and staff regarding the policy and its associated procedural document.
- 5.4.2. Advising on the appropriateness or otherwise of implementation of the CCG Disciplinary Policy.

### **5.5. Occupational Health are responsible for:**

- 5.5.1. Providing support, information and advice to managers and staff.
- 5.5.2. Providing an impartial, confidential service to staff which includes counselling, assessment, or referral to another agency.

## 5.6. Trade Union Representatives are responsible for:

5.6.1. Providing advice and support to their members if requested to do so.

## 6. Definitions

6.1. The **misuse of alcohol** is defined as any drinking, either intermittent or continual, which interferes with an individual's health and/or work performance so that safety, efficiency, productivity, or work attendance is affected.

6.2. The **misuse of substances** is defined as the use of illegal drugs, solvents or other substances and the inappropriate taking of prescribed and non-prescribed drugs, which interferes with a person's health and/or work performance so that safety, efficiency, productivity or work attendance is affected.

### 6.3. What is Substance Misuse?

6.3.1. The misuse of any substance in the context of this policy is defined as:

*'Behaviours resulting from the misuse of alcohol, drugs and other substances which harm or have the potential to harm the individual (both physically and mentally) and, through the individual's actions, other people and the environment'*

6.3.2. As a Line Manager you may be able to identify signs of substance misuse as work performance may reduce and change, this may include:

- Lateness and absenteeism
- Loss of productivity and poor performance
- Health and safety concerns
- Unacceptable behaviour or poor conduct
- Adverse effects on team morale and morale of colleagues
- Adverse effects on the organisation's image and customer relations

These indicators are not exhaustive, and managers should be vigilant for any behaviours and conduct that are normally out of character for the employee.

## 7. Framework

### 7.1. Organisational Position

7.1.1. The CCG does not require an alcohol or drugs test to be administered to prove employees being under the influence of a substance, however, Line Managers should be vigilant and provide views as to whether an employee's performance or conduct is influenced by a substance.

**7.1.2.** The organisation will endeavour to offer help and assistance to any employee who has a substance misuse issue; however, it is also the responsibility of the employee to accept this help and assistance to improve their condition. If they choose not to accept this help and assistance and their condition continues to be a cause for concern, disciplinary action may be considered.

## **7.2. Suspecting Substance Misuse**

**7.2.1.** 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 ongoing performance issue to be managed. Any of the following could be examples of substance misuse; each would need to be dealt with differently. 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 indicating a problem.
- A complaint may be received about a member of staff which indicates there may be a substance misuse problem.
- Performance gradually deteriorates over a period of time.

**7.2.2.** All staff are required to be fit to commence their duties and must remain so throughout their working day. If an employee is unfit or becomes unfit, in the managers' opinion, because of substance misuse, they will not be allowed to commence work or will be sent home, with pay, to recover. On return to work they will be subject to a return to work interview which may, according to the circumstances, result in disciplinary action being instigated.

**7.2.3.** Some acts of misconduct while under the influence of any substance may be so serious that they must be considered as acts of gross misconduct rendering the employee liable to dismissal. This may include endangering the health and safety of themselves, colleagues, or other persons. Any disciplinary action must be completed using the CCG's Disciplinary Policy.

**7.2.4.** Misconduct will also include being found to be illegally in possession of, the supply of, or taking of a controlled or uncontrolled drug at work or outside of work if that has a bearing on their suitability to continue in post.

## **8. Process for Managing Staff**

**8.1.** Managers or colleagues who suspect an employee of having a substance misuse problem should discuss their suspicions with the HR Team, before approaching the individual. As with any problem affecting ability to work, initial action must be taken by the Line Manager. It is important to identify any ongoing problem at an early stage when help can be made available. 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. Any suspension (if necessary) must be carried out in accordance with the CCG's Disciplinary Policy.

- 8.2.** Line Managers, following discussion with the employee, should refer cases of suspected or confirmed substance misuse to Occupational Health. As with all Occupational Health referrals written consent of the member of staff should normally be obtained, but if there is a serious concern and they refuse to give consent, the management referral should proceed regardless. Employees that refuse to go to Occupational Health should be reminded that as part of their employment they are required to attend Occupational Health if required by management and a referral is made.
- 8.3.** If an employee volunteers that they have an alcohol or substance misuse problem, Line Managers should advise the member of staff what support can be provided. Consideration may need to be given to reallocation to other duties during and after rehabilitation, depending on the circumstances. If after help and support, the situation does not improve, the member of staff should be advised of the implications of continuing problems with their performance or behaviour or absence and should be given an indication of how the situation will be monitored and over what timescale.
- 8.4.** Staff may deny having a drink or substance misuse problem. If this happens the situation should be dealt with by making clear what improvement is required in their performance, behaviour, or absence, within a stated timescale and how the situation will be monitored. The member of staff should also be advised who they can approach confidentially for help and advice. In this circumstance advice should be sought by the HR Team and consideration should be given as to whether to instigate any of the following policies: Management of Performance at Work, Disciplinary or Management of Sickness Absence.
- 8.5.** Should any individual refuse help or discontinue a programme of treatment, this should not in itself be grounds for disciplinary action; however, unacceptable behaviour and standards of work, or actions endangering patients, members of the public or other staff will be dealt with through normal disciplinary procedures. Every case will be individually considered.
- 8.6.** If an investigation is instigated the organisation may insist on a rehabilitation period as a sanction to a formal warning (for example reduced hours whilst addressing a substance abuse problem) the employee will be responsible for complying with this condition. If a programme of rehabilitation is introduced, then the employee can take sick leave whilst being helped and will therefore be entitled to the benefits that accrue.
- 8.7.** Every effort will be made to ensure the employee returns to their job on completion of the rehabilitation programme. In cases where the employee is not considered fit to return to the same job, or where doing so, may undermine recovery, efforts will be made to find suitable alternative employment. This may include a period of retraining.
- 8.8.** If, after returning to employment during or following the rehabilitation programme there is a recurrence of the substance misuse issue, each individual case will be considered on its merits at that time. A further opportunity may be given to commence an additional rehabilitation programme if appropriate, however, disciplinary action may be considered if all avenues have been exhausted and no improvement has been made. The outcome of which may be dismissal.

## **9. Support for Staff**

- 9.1.** Employees who have a substance misuse problem, or who suspect they may have a problem, are encouraged to seek help either by discussing the matter confidentially with their immediate Line Manager, an external agency, Occupational Health, Human Resources, or their General Practitioner. Appendix 1 lists a number of sources of help that employees can access.
- 9.2.** Employees who have a substance misuse problem, or who suspect they may have a problem, are also able to contact the CCG's Employee Assistance Programme Care First for support and guidance. Their team of professional trained, qualified and British Association for Counselling and Psychotherapy (BACP) Accredited counsellors are available 24/7 to offer support for personal or workplace related issues including issues related to substance misuse. Employees who wish to contact Care First can do so via telephone on 0800 174 319. Online counselling is also available at [www.carefirst-lifestyle.co.uk](http://www.carefirst-lifestyle.co.uk). The login details for this service can be found in Appendix 1.
- 9.3.** Requests for assistance will be treated in strict confidence and will in no way affect the employee's job security if help and treatment is sought. Information will only be released to third parties on a 'need to know' basis.
- 9.4.** Any requests for support and assistance made will be considered in line with the procedure in the CCG's Flexible Working policy and will be judged on the basis of business needs. Any agreed flexible retirement should be followed up in writing by the Line Manager.
- 9.5.** Employees who volunteer they have a substance misuse problem will be managed in line with section 8.

## APPENDIX 1

### USEFUL INFORMATION ON SUPPORTIVE SERVICES

#### **Care First, Employee Assistance Programme available to all CCG staff**

Telephone: 0800 174319 (contactable 24/7)

Online Counselling: [www.carefirst-lifestyle.co.uk](http://www.carefirst-lifestyle.co.uk)

Login Details for Lifestyle Portal: Username= worcestershire Password= employee

#### **Free or Charitable Counselling in Worcestershire**

Address: The Angel Centre, 1 Angel Place, Worcester, WR1 3QN

Telephone: 01905 731850

You can access services via GP referral or Occupational Health

Website link with further details: <http://www.bridge-counselling-worcester.org.uk/index.php>

#### **CGL Atlantic Recovery Centre**

Address: Atlantic House, Dudley Road, Lye, Stourbridge, West Midlands, DY9 8EL

(Please note CGL do offer services across the county of Worcestershire)

Website link with further details: <https://www.changegrowlive.org/content/atlantic-recovery-centre-dudley>

#### **Alcoholics Anonymous**

At Alcoholics Anonymous people share their experience, strength, and hope, and help each other recover from alcoholism.

Website link with further details: <http://www.alcoholics-anonymous.org.uk/>

#### **Al-Anon Family Groups**

Al-Anon Family Groups provide support to anyone whose life is, or has been, affected by someone else's drinking, regardless of whether that person's still drinking or not.

Website link with further details: <http://www.al-anonuk.org.uk/>

#### **Down Your Drink**

Down Your Drink helps you work out whether you are drinking too much and what you can do about it.

Website link with further details: <https://www.downyourdrink.org.uk/>

#### **Drink Aware – Unit Calculator**

Drink Aware's unit calculator is a great way to keep track of the number of units you drink on a daily basis.

Website link with further details: <https://www.drinkaware.co.uk/>

#### **The Alcohol and Families Alliance**

Adfam and Alcohol Concern are working in partnership to establish, support and lead an Alliance of organisations with an interest in the issues surrounding children and families affected by the use of alcohol.

Website link with further details:

<http://www.alcoholconcern.org.uk/?gclid=CMfSrtiy39ACFZlaGwod9g4DBQ>