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<b>Document History</b>		
<b>Version</b>	<b>Date</b>	<b>Significant Changes</b>
1.0	April 2013	n/a
2.0	May 2015	n/a

<b>Equality Impact Assessment</b>	
<b>Date</b>	<b>Issues</b>
22.03.13	None

<b>Policy Validity Statement</b>
This policy is due for review on the latest date shown above. After this date, policy and process documents may become invalid. Policy users should ensure they are consulting the currently valid version of the documentation.

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## **1. POLICY STATEMENT**

1.1 The CCG is committed to promoting the well being of all its employees, and recognises that substance misuse cannot only affect their health but also attendance, work performance and relationships with colleagues.

1.2 The purpose of this policy is to provide managers with guidance for managing the effects of substance misuse by employees. All such matters must be handled by managers with sensitivity and in confidence, with any information being released to other parties on a "need to know" basis only.

1.3 Occupational Health will be involved at all times and other relevant parties (for example GP's, Social Services, Alcoholics Anonymous etc) where appropriate.

1.4 Useful contacts for can be found in Appendix 1.

## **2. PRINCIPLES**

2.1 This policy applies to all employees and any agency or contract staff whilst they are working for the CCG.

2.2 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 or mentally) and, through the individual’s actions, other people and the environment.’

2.3 The misuse of any substance may result in the following effects:-

- 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 CCG’s image and customer relations.

This list is not exhaustive.

2.4 No alcohol should be brought into or consumed on organisation premises, unless previously agreed by a Senior Manager for a formal function i.e. retirement party.

2.5 The consumption of alcohol or use of any substance, that may impede an employee's working capability, is prohibited. Drinking alcohol during lunch breaks and before evening work is therefore discouraged.

2.6 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

2.7 Training and support will be provided to all Line Managers in the implementation and application of this policy

### **3. EQUALITY**

3.1 In applying this policy, the organisation will have due regard for the need to eliminate unlawful discrimination, promote equality of opportunity, and provide for good relations between people of diverse groups, in particular on the grounds of the following characteristics protected by the Equality Act (2010); age, disability, gender, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, and sexual orientation, in addition to offending background, trade union membership, or any other personal characteristic.

### **4. MONITORING & REVIEW**

4.1 The policy and procedure will be reviewed periodically by Human Resources in conjunction with operational managers and Trade Union representatives. Where review is necessary due to legislative change, this will happen immediately.

## **PART 2**

### **1. PROCEDURE AND INVESTIGATION**

1.1 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. 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 sub-stance misuse problem; performance may gradually deteriorate over a period of time.

1.2 All employees must 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 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. (Please refer to the organisation's Disciplinary Procedure).

1.3 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. (Please refer to the

organisation's Disciplinary Procedure). This will include endangering the health and safety of themselves, colleagues or other persons.

1.4 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.

1.5 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 manager, or an external agency (see appendix 1), Occupational Health, Human Resources or their General Practitioner.

1.6 Staff can also make a confidential self-referral to Occupational Health for help and support. Clinical details and advice to staff are kept in the strictest confidence and Occupational Health 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. Requests for assistance will be treated in strict confidence and will no way affect the employee's job security, benefits etc. Information will only be released to third parties on a "need to know" basis.

1.7 Managers or colleagues who suspect an employee of having a substance misuse problem should discuss their suspicions with a Human Resources adviser, before approaching the individual.

1.8 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. Suspension (if necessary) must be carried out in accordance with the organisation's Disciplinary Procedure.

1.9 Managers, following discussion with the employee, should refer cases of suspected, or admitted substance misuse 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.

1.10 Dealing in or possession of illegal substances will be reported immediately to the police and will be managed under the organisation's Disciplinary Policy.

1.11 Managers are encouraged to recognise that staff may be adversely affected by the drinking, drug taking or substance misuse of others. Information about internal and external sources of advice and support is available from the Occupational Health, Staff Representatives or from the Human Resources Department.

1.12 If an alcohol or substance misuse problem is admitted, managers should advise the member of staff what support can be provided. Consideration may need to be given to re-allocation 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 time scale.

1.13 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. Please refer to the organisation's Managing Work Performance, Absence Management and Disciplinary policies.

1.14 Following an investigation interview, if there is no improvement within the timescales given, the relevant line manager must contact the Human Resources, who will provide further advice and support on how to proceed in accordance with the Trust's Disciplinary, Managing Work Performance and Absence Management policies.

1.15 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.

1.16 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.

1.17 If an employee is required to complete a rehabilitation period in line with the Absence Management Policy, then normal arrangements (as outlined in that Policy) will apply. Where a rehabilitation period is attached as a sanction to a formal warning (for example reduced hours) the employee will be responsible for complying with this condition.

1.18 The organisation will endeavour to offer help and assistance with 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 cause for concern, disciplinary action may be considered.

1.19 Every effort will be made to ensure the employee returns to his/her 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, if necessary, a period of retraining.

1.20 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. This could include dismissal.

1.21 If, whilst under the influence of alcohol, drugs or other substances at work, a member of staff were to behave 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 then, irrespective of whether support may also be appropriate for an underlying problem, disciplinary action will be taken which could result in dismissal.

**Appendix 1- Useful Contacts:**

**Equality Analysis Initial Assessment**

**Title of the change proposal or policy:**

Substance Misuse Policy

**Brief description of the proposal:**

To ensure that the policy amends are fit for purpose, that the policy is legally compliant, complies with NHSLA standards and takes account of best practice.

**Name(s) and role(s) of staff completing this assessment:**

Shamshy Salehin, HR Consultant, Cheshire HR Service

**Date of assessment:** 22<sup>nd</sup> March 2013

**Please answer the following questions in relation to the proposed change:**

**Will it affect employees, customers, and/or the public? Please state which.**

Yes, it will affect all employees

**Is it a major change affecting how a service or policy is delivered or accessed?**

No

**Will it have an effect on how other organisations operate in terms of equality?**

No

**If you conclude that there will not be a detrimental impact on any equality group, caused by the proposed change, please state how you have reached that conclusion:**

No anticipated detrimental impact on any equality group. The policy adheres to the NHS LA Standards and best practice. Makes all reasonable provision to ensure equity of access to all staff. There are no statements, conditions or requirements that disadvantage any particular group of people with a protected characteristic.

**Please return a copy of the completed form to the Equality & Diversity Manager**