

TRUST-WIDE NON-CLINICAL POLICY DOCUMENT

**MANAGEMENT OF ALCOHOL AND
SUBSTANCE MISUSE BY STAFF**

Policy Number:	HR25
Scope of this Document:	All Trust Employees (permanent and temporary including individuals engaged on Trust business)
Recommending Committee:	HR Policy Group
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2017 – Version 4

Quality, recovery and
wellbeing at the heart
of everything we do

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**THE MANAGEMENT OF ALCOHOL AND
SUBSTANCE MISUSE BY STAFF**

Further information about this document:

Document name	THE MANAGEMENT OF ALCOHOL AND SUBSTANCE MISUSE BY STAFF (HR25)
Document summary	Provide information and guidance to support and manage employees who have alcohol or substance misuse problems
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To be read in conjunction with	ACAS Code of Practice Health and Safety at Work Act 1974 Employment Act 2008 Mersey Care NHS Trust (HR01) Disciplinary Procedure
This document can be made available in a range of alternative formats including various languages, large print and braille etc	
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Version Control:

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Version 1	Confirm who document was circulated or presented to, eg, Presented to the Executive Committee for Approval	6 th May 2014
Version 2		July 2014
Version 3		August 2014
Version 4	Lead Executive Approval	March 2017

SUPPORTING STATEMENTS

this document should be read in conjunction with the following statements:

SAFEGUARDING IS EVERYBODY'S BUSINESS

All Mersey Care NHS Foundation Trust employees have a statutory duty to safeguard and promote the welfare of children and vulnerable adults, including:

- being alert to the possibility of child/vulnerable adult abuse and neglect through their observation of abuse, or by professional judgement made as a result of information gathered about the child/vulnerable adult;
- knowing how to deal with a disclosure or allegation of child/adult abuse;
- undertaking training as appropriate for their role and keeping themselves updated;
- being aware of and following the local policies and procedures they need to follow if they have a child/vulnerable adult concern;
- ensuring appropriate advice and support is accessed either from managers, *Safeguarding Ambassadors* or the trust's safeguarding team;
- participating in multi-agency working to safeguard the child or vulnerable adult (if appropriate to your role);
- ensuring contemporaneous records are kept at all times and record keeping is in strict adherence to Mersey Care NHS Foundation Trust policy and procedures and professional guidelines. Roles, responsibilities and accountabilities, will differ depending on the post you hold within the organisation;
- ensuring that all staff and their managers discuss and record any safeguarding issues that arise at each supervision session

EQUALITY AND HUMAN RIGHTS

Mersey Care NHS Foundation Trust recognises that some sections of society experience prejudice and discrimination. The Equality Act 2010 specifically recognises the *protected characteristics* of age, disability, gender, race, religion or belief, sexual orientation and transgender. The Equality Act also requires regard to socio-economic factors including pregnancy /maternity and marriage/civil partnership.

The trust is committed to equality of opportunity and anti-discriminatory practice both in the provision of services and in our role as a major employer. The trust believes that all people have the right to be treated with dignity and respect and is committed to the elimination of unfair and unlawful discriminatory practices.

Mersey Care NHS Foundation Trust also is aware of its legal duties under the Human Rights Act 1998. Section 6 of the Human Rights Act requires all public authorities to uphold and promote Human Rights in everything they do. It is unlawful for a public authority to perform any act which contravenes the Human Rights Act.

Mersey Care NHS Foundation Trust is committed to carrying out its functions and service delivery in line with a Human Rights based approach and the FREDA principles of **F**airness, **R**espect, **E**quality **D**ignity, and **A**utonomy

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1. PURPOSE AND RATIONALE

- 1.1 Mersey Care NHS Trust is committed to promoting the general well being of all of its employees and support individuals with a substance misuse problem. Substance misuse is the term used within this policy to include the misuse of alcohol and the use of all illicit drugs plus the use of performance enhancing drugs, legal highs, un-prescribed drugs and the inappropriate use of prescribed drugs.

“All employees have a responsibility to attend work free from the current and the post affects of the substances described above”

- 1.1.2 This policy is designed to help and assist employees with such problems. It aims to encourage members of staff to seek help and support, to be confident that help and support will be made available/offered and provided in an effective and confidential way. The overall aim is to support staff during their employment in Mersey Care NHS Trust.

2. SCOPE

- 2.1 This policy applies to all staff employed in the Trust including those involved in direct and indirect care and support, as well as other individuals engaged on Trust business.

3. DEFINITIONS

- 3.1 This policy applies to all employees of the Trust, including those involved in direct and indirect care and support, as well as other individuals engaged on Trust business irrespective of profession and status and does not discriminate at any level.

- 3.1.2 Under the Health and Safety at Work Act 1974 both the Trust and employees are required to maintain a safe working environment and the Trust, employee or both could be held liable if an alcohol-related/substance use related accident/incident occurs at work.

Only non-alcoholic beverages will be available at all official functions held on Trust premises. The consumption of alcohol and illicit substances during working hours is strictly forbidden.

- 3.1.3 All employees of Mersey Care NHS Trust will **not** be allowed to consume any alcoholic drinks whilst on duty, or attend for duty under the influence of alcohol or substances which may impair performance whilst on duty.
- 3.1.4 Employees who are not on duty at official functions, conferences or events held off Trust premises may consume alcohol but should not bring the Trust into disrepute or affect the safety of themselves or others.
- 3.1.5 Employees who accompany service users/ patients on holiday are prohibited from consuming alcohol throughout the period of the holiday.

- 3.1.6 Employees who are on duty either on Trust premises or accompanying service users to a social function, are not allowed to consume alcohol or illicit substances themselves.
- 3.1.7 No employee should report for duty or attend work related meetings under the influence of either alcohol or illicit drugs. Employees should be mindful of the impact of medication and its potential effect on their work.
- 3.1.8 All employees terms and conditions will be maintained during any programme of treatment for alcohol or substance misuse.
- 3.1.9 Any employee who is found to be in possession of or dealing in illicit substances on work premises will be subject to the Disciplinary Procedure and referred to the Police.

4. DUTIES

4.1 Chief Executive Responsibilities

The Chief Executive has delegated responsibility for ensuring compliance with the Employment Act 2008 to the Director of Workforce.

4.2 The Director of Workforce

The Director of Workforce has a responsibility to ensure that a robust system is in place, which will ensure compliance with the Management of Substance Misuse policy for staff. They will ensure that all Directors, Managers, Human Resources Business Partners, Human Resources Advisors and staff are fully aware of the Management of Substance Misuse policy for staff and are aware of their responsibilities.

4.3 The Line Manager

The line manager has a duty to ensure that all staff are aware of the policy and ensure that all staff who access the policy follow the correct procedure when applying for the varying types of leave, with support from the Human Resources Department.

4.3.1 If a manager suspects or has concerns that an employee has an alcohol or drug / substance misuse problem they should discuss the situation with the employee. Indications of this could be a change in:-

- low performance standards
- contact behaviour appearance
- mood
- absenteeism
- Incidence of accidents
- Interpersonal problems

If a problem is identified it is the manager's responsibility to ensure that this policy is followed.

4.3.2 If a manager knowingly allows an employee under the influence of alcohol or any other substances including prescribed medication to continue working and this places the employee or others at risk, the employer could be liable to charges under the Health and Safety at Work Act 1974.

- 4.3.3 The individual's colleague and/or supervisor may identify possible signs of alcohol or substance misuse through deteriorating work performance and/or a pattern of particular behaviour. The appropriate manager will discuss this with employee concerned.
- 4.3.4 If an individual appears to be exhibiting signs of alcohol/substance use or misuse appropriate advice will be sought.
- 4.3.5 When it is established that an employee is under the influence of alcohol or other substances at work, the manager concerned should ensure that the employee is transported home safely. Managers need to contact the Human Resources Department in order to discuss whether the use of the Disciplinary Procedure is appropriate.

4.4 **Staff**

- 4.4.1 It is the responsibility of all employees to be aware of the contents of this policy.
- 4.4.2 Employees should not report for duty under the influence of alcohol or substances which may affect their performance.
- 4.4.3 If employees are taking prescribed medication whose side effects may impair their performance at work, they should discuss this with their line manager.
- 4.4.4 Where an employee reports for duty in an unfit state an investigation will be carried out, which may lead to disciplinary action.
- 4.4.5 Under section 7 of the Health and Safety at Work Act, employees are required to take reasonable care of themselves and others who could be affected by what they do.
- 4.4.6 If an employee puts safety of themselves and others at risk because of alcohol or drug/substance consumption they could also be liable to charges under the Health and Safety at Work Act and also the disciplinary procedure.
- 4.4.7 If an employee suspects that another employee / colleague has an alcohol or drug / substance problem they should raise it with the appropriate line manager in the first instance.
- 4.4.8 If an employee fails to comply with an agreed programme of support which aims to address the issue, this will result in disciplinary action which may include dismissal.
- 4.4.9 If an employee has an alcohol or substance misuse problem they may choose to seek support from a number of sources e.g. your line manager, trade union representative or other organisations specialising in this field. Details of these can be found in Appendix 1.

5 PROCESS

5.1 The Trust is committed to supporting employees with an alcohol or drug related problem. However, there will be occasions when the Disciplinary Procedure will be invoked. This may include suspension from duty.

5.2 Fact Finding – The Interview with the Employee

5.2.1 The interview should focus on the reasons why the employee is at the meeting and appropriate behaviour/expectations should be explained. If it is identified that there is clear evidence of alcohol/substance misuse or the employee raises the matter themselves this should be investigated further.

5.2.2 In all instances the encouragement to seek and accept assistance is on the clear understanding that:

- The employee will be granted the necessary time off to undergo any help or intervention that is required. Where in-patient treatment is required, this will be recorded as sick leave.
- The process for an employee returning to duty will be dealt with under the auspices of the Management of Attendance Policy.
- The employee has the right to support from their trade union representative or a nominated colleague.

5.3 Referral to Occupational Health Department

5.3.1 If the employee accepts that they require assistance with an alcohol/substance problem, then their manager should refer them to the Occupational Health Department. The expectation is that there will be a case discussion with key individuals to outline a supportive strategy for the individual.

5.4 Action After Referral to Occupational Health Department

5.4.1 After referral to Occupational Health, the manager should deal with this under the auspices of the Management of Attendance policy if the employee is off sick.

5.4.2 If there is a reoccurrence of the problem, the manager will consult with both Occupational Health and Human Resources to determine an appropriate course of action. Failure to comply with an agreed programme of support will result in disciplinary action including dismissal.

5.5 Refusal to Accept or Abandonment of Professional Intervention

5.5.1 Employees who decline support or stop treatment against professional advice may be subject to disciplinary procedures.

5.6 Referral to Professional Bodies

5.6.1 If the Trust has sufficient concerns regarding an employee's fitness to practice as a registered professional, the employee may be referred to their

professional body. As a registered professional you also have a responsibility to inform your professional body of any alcohol or substance misuse problem.

6 CONSULTATION

6.1 The policy has been developed by the HR Policy Group which consists of representatives from:

- Recognised Trade Union Organisations
- Senior Managers
- HR Staff
- Division

7 TRAINING AND SUPPORT

7.3 Advice and support on the application of the policy will be delivered by Human Resources on an ad hoc basis as and when required.

8 MONITORING

8.3 Monitoring of staff affected by this policy will be undertaken by the senior members of the Workforce Team.

9 Agencies and Department that can help

Alcoholics Anonymous 0845 769 7555
Mersey Care Drug Service Change to 0151 330 8260
Liverpool Community Alcohol Service 0151 529 4504
NHS Advice 111
ASK FRANK 0300 123 6600
Drink Line 0300 123 1110 – also run by NHS ‘Ask Frank’