

TRUST-WIDE NON-CLINICAL POLICY DOCUMENT

MANAGEMENT OF ALCOHOL AND SUBSTANCE MISUSE BY STAFF

Policy Number:	HR25
Scope of this Document:	All Trust Colleagues (permanent and temporary including individuals engaged on Trust business)
Recommending Committee:	HR Policy Group
Approved By:	Executive Director of Workforce
Date Ratified:	March 2020
Next Review Date (by):	February 2023
Version Number:	Version 5
Lead Executive Director:	Executive Director of Workforce
Lead Author(s):	HR Advisors HR Officer

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2020 – Version 5

*Striving for perfect care
and a just culture*

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Further information about this document:

Document name	CORPORATE POLICY AND PROCEDURE FOR STAFF FOR THE MANAGEMENT OF ALCOHOL AND SUBSTANCE MISUSE BY STAFF (HR25)
Document summary	Provide information and guidance to support and manage colleagues who have alcohol or substance misuse problems
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Published by Copies of this document are available from the Author(s) and via the trust's website	Mersey Care NHS Foundation Trust V7 Building Kings Business Park Prescot Merseyside L34 1PJ Trust's Website www.merseycare.nhs.uk
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:

		Version History:
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	Policy Group	March 2017
Version 5	Executive Director Approval	March 2020

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 adults, including:

- being alert to the possibility of child / adult abuse and neglect through their observation of abuse, or by professional judgement made as a result of information gathered about the child / 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 / 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 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, sex, race, religion and belief (or lack thereof), sexual orientation, gender reassignment, pregnancy and maternity and marital and civil partnership status. The Equality Act also requires regard to socio-economic factors.

The trust is committed to promoting and advancing equality and removing and reducing discrimination and harassment and fostering good relations between people that hold a protected characteristic and those that do not 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 colleagues 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 colleagues 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 colleagues 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 colleagues 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 colleagues 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 colleagues are required to maintain a safe working environment and the Trust, colleague 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 colleagues 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 Colleagues 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 Colleagues who accompany service users/ patients on holiday are prohibited from consuming alcohol throughout the period of the holiday.

- 3.1.6 Colleagues 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 colleague should report for duty or attend work related meetings under the influence of either alcohol or illicit drugs. Colleagues should be mindful of the impact of medication and its potential effect on their work.
- 3.1.8 All colleagues terms and conditions will be maintained during any programme of treatment for alcohol or substance misuse.
- 3.1.9 Any colleague 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 a colleague has an alcohol or drug / substance misuse problem they should discuss the situation with them. 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 any colleague under the influence of alcohol or any other substances including prescribed medication to continue working and this places the colleague 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 behavior. The appropriate manager will discuss this with colleague concerned. 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 a colleague is under the influence of alcohol or other substances at work, the manager concerned should ensure that the colleague 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 colleagues to be aware of the contents of this policy.

4.4.2 Colleagues should not report for duty under the influence of alcohol or substances which may affect their performance.

4.4.3 If colleagues 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 a colleague reports for duty in an unfit state an fact finding 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, colleagues are required to take reasonable care of themselves and others who could be affected by what they do.

4.4.6 If a colleague 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 a colleague suspects that another 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 a colleague fails to comply with an agreed programme of support which aims to address the issue, this may result in disciplinary action which may include dismissal.

4.4.9 If a colleague 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 colleagues 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 Colleague**

5.2.1 The interview should focus on the reasons why the colleague 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 colleague 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 colleague 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 a colleague returning to duty will be dealt with under the auspices of the Management of Attendance Policy.
- The colleague 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 colleague 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 Supporting Attendance Policy if the colleague 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 Colleagues 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 a colleague's fitness to practice as a registered professional, the colleague 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 DEPARTMENTS THAT CAN HELP

Alcoholics Anonymous	0800 9177650
Mersey Care Drug Service	0151 234 5800
Mersey Care Alcohol Service	0151 471 7784
NHS Advice	111
ASK FRANK	0300 123 6600

Equality and Human Rights Analysis

HR25 CORPORATE POLICY AND PROCEDURE FOR STAFF FOR THE MANAGEMENT OF ALCOHOL AND SUBSTANCE MISUSE BY STAFF

Area covered: Trust wide

What are the intended outcomes of this work?

Mersey Care NHS Trust is committed to promoting the general well being of all of its colleagues 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 colleagues have a responsibility to attend work free from the current and the post affects of the substances described above” This policy is designed to help and assist colleagues 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.

The policy applies to all Trust colleagues

The policy should be read in conjunction with the following document:-

- ACAS Code of Practice
- Health and Safety at Work Act 1974
- Employment Act 2008
- Mersey Care NHS Trust (HR01) Disciplinary Procedure

Who will be affected?

All staff as well as individuals engaged on Trust business

Evidence

What evidence have you considered?

The policy

Disability (including learning disability)

If colleagues are taking prescribed medication whose side effects may impair their performance at work, they should discuss this with their line manager.

Sex

No issues identified

Race

No issues identified
Age
No issues identified
Gender reassignment (including transgender)
No issues identified
Sexual orientation
No issues identified
Religion or belief
No issues identified
Pregnancy and maternity
No issues identified
Carers
No issues identified
Other identified
No issues identified
Cross Cutting
<p>This policy applies to all colleagues 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.</p> <p>All colleagues of Mersey Care NHS Trust will <u>not</u> 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.</p> <p>No colleagues should report for duty or attend work related meetings under the influence of either alcohol or illicit drugs. Colleagues should be mindful of the impact of medication and its potential effect on their work.</p> <p>All colleagues' terms and conditions will be maintained during any programme of treatment for alcohol or substance misuse.</p> <p>Any colleague 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.</p>

Human Rights	<p>Is there an impact?</p> <p>How this right could be protected?</p>
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<p>Right to life (Article 2)</p>	<p>Under the Health and Safety at Work Act 1974 both the Trust and colleagues are required to maintain a safe working environment and the Trust, colleagues or both could be held liable if an alcohol-related/substance use related accident/incident occurs at work.</p> <p>When it is established that a colleague is under the influence of alcohol or other substances at work, the manager concerned should ensure that the colleague 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.</p>
<p>Right of freedom from inhuman and degrading treatment (Article 3)</p>	<p>Under the Health and Safety at Work Act 1974 both the Trust and colleagues are required to maintain a safe working environment and the Trust, colleague or both could be held liable if an alcohol-related/substance use related accident/incident occurs at work.</p>
<p>Right to liberty (Article 5)</p>	<p>No issues identified.</p>
<p>Right to a fair trial (Article 6)</p>	<p>Any colleague 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.</p> <p>If a colleague 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.</p> <p>If a colleague 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.</p>
<p>Right to private and family life (Article 8)</p>	<p>If the Trust has sufficient concerns regarding a colleague's fitness to practice as a registered professional, the colleague may be referred to their professional body. As a</p>

	registered professional you also have a responsibility to inform your professional body of any alcohol or substance misuse problem.
Right of freedom of religion or belief (Article 9)	No issues identified.
Right to freedom of expression Note: this does not include insulting language such as racism (Article 10)	No issues identified.
Right freedom from discrimination (Article 14)	No issues identified.

Engagement and Involvement

Trade Union Organisations
Senior Managers
HR Staff

Summary of Analysis

Eliminate discrimination, harassment and victimisation

This policy applies to all members of staff.
No issue have been identified in relation to the protected groups.

All colleagues' terms and conditions will be maintained during any programme of treatment for alcohol or substance misuse.

Advance equality of opportunity

Promote good relations between groups

What is the overall impact?

As this is intended for all staff there should be no negative impact in relation to equality.

Addressing the impact on equalities

Action planning for improvement

For the record

Name of persons who carried out this assessment:

Shirley Taggart
Louise Southern
Annie Highcock

Date assessment completed:

December 2019

Name of responsible Director: Amanda Oates, Executive Director of Workforce

Date assessment was signed: March 2017

10. 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’