

Alcohol and Drug Use Policy

Aim of the Policy

This policy is intended to set out the values, principles and policies underpinning the care service's approach to alcohol and drug use by staff. The policy has the following aims.

1. To maintain a safe and healthy environment for all service users and employees.
2. To minimise drug and alcohol related injuries to persons or property.
3. To comply with applicable laws and legislation.

This policy is informed by the service's understanding of its statutory duties as an employer.

Statutory Duties of Employers and Employees

If a manager or employer knowingly allows an employee to continue working under the influence of drugs or alcohol and their behaviour places themselves or others at risk, the employer or manager could be prosecuted under the Health and Safety at Work, etc Act 1974 or under the Management of Health and Safety at Work Regulations 1999. Under this legislation employees are also required to take reasonable care of themselves and others who could be affected by what they do at work.

The principal legislation in the UK for controlling the misuse of drugs is the Misuse of Drugs Act 1971, which makes the production, supply and possession of controlled drugs unlawful except in certain specified circumstances (eg when they have been prescribed by a doctor). Under the Act if an employer knowingly permits the production, use or supply of any controlled drugs on their premises they could be committing an offence.

Drug or Alcohol Policy: Staff

In this care service the use of drugs and/or alcohol by employees is strictly prohibited at all times and under all circumstances.

This care service believes that alcohol and drug misuse affect performance, behaviour and relationships and that there is overwhelming evidence of links between alcohol misuse and social and psychological disturbances, medical problems, accidents and violence. Alcohol or drug misuse can also lead to high levels of sickness, time off and absenteeism and, in addition, the possession of drugs is illegal, exposing the misuser and employer to the risk of criminal charges. In particular employers could be breaking the law if they knowingly allow drug-related activities in their workplace and fail to act.

The care service therefore recognises its duty as an employer to provide and monitor for employees, so far as is reasonably practicable, a working environment which is reasonably suitable for the performance of their contractual duties and this includes providing a drug and alcohol free environment.

However, the care service makes a distinction between patterns of alcohol or drug misuse which point to addiction in staff, such as drinking or drug-taking to excess continually, regularly or in intense episodes, and, on the other hand, random instances of drug-taking or excessive drinking which affect work. The care service regards alcohol and drug misuse of the first kind as first and foremost a health problem and its approach will be informed by this understanding. Other forms of drink and drug consumption which affect work will be treated as conduct or performance issues and dealt with according to the disciplinary rules and procedures of the care service. Infringements of this policy by staff will be dealt with through the established disciplinary and grievance procedure and violations of the policy subject to the normal disciplinary sanctions. Cases where employees attend work under the influence of drugs or alcohol may constitute gross misconduct and lead to summary dismissal.

In all such circumstances, where an employee either attends work under the influence of drugs or alcohol or uses drugs or alcohol while at work:

- a. the employee will be sent home
- b. the disciplinary procedure will be applied
- c. the police will be informed (in the case of drug use).

The care service recognises that staff suffering from a hangover or even being still over the legal alcohol limit the morning after drinking is clearly a particular danger if their duties include driving vehicles. The care service's policy is therefore that such actions on the part of any driver employed by the service constitutes gross misconduct and will lead to a disciplinary process and probable dismissal.

Any employee with a drug or alcohol-related problem where a person has a state of addiction or habitual taking of alcohol or drugs will be dealt with according to the following policy.

1. The employee will be encouraged to seek guidance and assistance from a suitable health or counselling agency.
2. Paid time off for counselling and treatment will be allowed in accordance with the normal sick pay scheme.
3. Where an employee has to be away from work to undergo treatment, their job will be held open in accordance with normal sickness procedures.
4. In the long-term job security must depend on work returning to an acceptable level.

5. The care service undertakes to ensure that any counselling is strictly confidential, and that any records compiled by a counsellor will be treated as the individual property of that counsellor.
6. No discussions about an employee will take place between the care service and the counsellor without the written permission of the employee concerned.
7. Drug or alcohol abuse will not in itself constitute grounds for dismissal, unless the person's action or performance reaches an unacceptable level or constitutes gross misconduct. Such cases will be dealt with under normal disciplinary procedures.

It is the care service's intention to strictly enforce its "no drugs or alcohol" policy. All breaches of the regulations will be treated as serious matters and dealt with in the appropriate manner.

Procedure to Take on Suspicion that an Employee Has an Alcohol or Drug Misuse Problem

In the event of an incident with a member of staff involving alcohol or drugs or in the event of managers noting trends of behaviour in a member of staff which may indicate alcohol or drug misuse, the manager should:

- a. discuss the matter with the employee and outline the reasons for concern in the presence of a staff representative if requested
- b. ensure that the member of staff is aware of the service's "no alcohol or drugs" policy and what it means for their rights
- c. assess whether the incident is an isolated event or part of a pattern indicating the possibility of a more serious health problem
- d. as far as possible, try to treat the misuse as a health issue rather than an immediate cause for dismissal or disciplinary action.

If it is part of a pattern indicating the possibility of a more serious drug or alcohol-related health problem the manager should:

- a. offer help and support for the employee
- b. advise the employee that they must refer themselves or be referred for confidential counselling and advice
- c. allow time off for treatment in accordance with the normal sick pay scheme
- d. keep the individual's job open if the employee is participating in treatment and/or counselling in an attempt to deal with drug or alcohol abuse
- e. offer to temporarily move them to another job while they are getting treatment if their normal work is safety-critical

- f. take disciplinary action only as a last resort (an employer could be judged by an industrial tribunal to have unfairly dismissed an employee whose work problems are related to alcohol or drug misuse if no attempt has been made to help the member of staff)
- g. on the employee's return to work arrange for a full performance review.

Vehicle Use

This care service understands that under the Road Traffic Act 1988 and the Transport and Works Act 1992 drivers of road vehicles must not be under the influence of alcohol or drugs while driving, when attempting to drive or when they are in charge of a vehicle.

In this organisation, those who drive as part of their duties should take note of the following.

1. Authorised drivers are reminded about the effects of alcohol or drugs on driving and that they might still be over the limit or affected by alcohol the morning after they have been drinking.
2. Authorised drivers should understand that everyone who drives for the care service must be fit to do so at all times and should not drink alcohol before driving or allow alcohol or drug use to affect their driving, eg by drinking heavily the night before work.
3. Staff must not drive for work if their ability to do so safely is impaired by alcohol, drugs or medicines.
4. Drivers who have been cautioned, summoned or convicted in relation to drug or alcohol offences should inform their line manager so that a discussion can take place about whether they need help to ensure that they do not drive while impaired.

Drivers must remember that the law on driving when under the influence of drugs includes not only illegal drugs, but also certain prescription medication.

Those whose driving is impaired will be guilty of breaking the law.

Drivers are advised:

- to inform their manager or supervisor if they are taking medication that might affect their driving, especially drugs such as strong pain relief
- to ensure that they take any prescription medicines as directed by their doctor or as directed by a pharmacist
- to check the leaflet that comes with their medicines for information on how the medication may affect their driving ability
- to refrain from driving after taking medicines that might affect their driving until they are confident that the medication has no effect

- to refrain from driving if they feel drowsy, dizzy, unable to concentrate or make decisions, or if they have blurred or double vision
- to carry evidence with them, such as prescriptions slips, if they are taking prescribed medication at high doses.

Drivers who are unsure about the effect of their medication should seek the advice of a pharmacist or their doctor.

Training

All new staff should be encouraged to read this policy as part of their induction process and should also be referred to the “no drugs or alcohol” clause in their contract of employment.

Signed: _____

Date: _____

Policy review date: _____
