

Reference Number: FOI202223/385
From: Other
Date: 03 November 2022
Subject: policies for dealing with alcohol and other substance use in employees

The purpose of this request is to identify health authority policies for dealing with alcohol and other substance use in employees of the authority who are registered healthcare professionals with the aim of understanding whether authorities have distinct policies or whether it is dealt with under existing wider policy. With this in mind please could you answer all of the following questions and supply the requested information and documentation:

- Q1** Does your authority have a distinct policy covering alcohol and/or other substance use by employees of the authority? If so, on what date was this policy implemented? What policy did this supersede? Please provide a copy of your current alcohol and substance use policy.
- A1** Yes, please find attached our current policy and toolkit for Alcohol and Substance Misuse.

The policy was first published in December 2002 as our Alcohol and Drugs Policy, renamed as Alcohol and Substance Misuse Policy in June 2014.
- Q2** Does your authority's current occupational health policy include sections or subsections which cover the use of alcohol and/or other substances by employees of your authority who are registered healthcare professionals, including but not limited to alcohol and/or substance addiction and/or impairment at work due to substance use? If so, on what date was this policy implemented? Please provide a copy of your current occupational health policy.
- A2** Occupational Health responsibilities are included in the Alcohol and Substance Misuse Policy, as per A1
- Q3** What policy within your authority covers performance management issues related to alcohol and substances within the workplace, including but not limited to impairment at work due to alcohol or substance use, and/or criminal activity either during or outside of work hours related to alcohol and substance use? On what date was this policy implemented? Please provide a copy of the current policy in which this information is included.
- A3** Performance management is included in the Alcohol and Substance Misuse Policy, as per A1.
- Q4** If there is a concern regarding a registered healthcare professional employee's alcohol or substance use, please outline the process applied within your authority for dealing with the issue, with reference to pathways for the employee concerned, and who has responsibility for decision making for any given pathway the employee is placed upon, and how decisions are made as to how the pathways are implemented.
- A4** If there are concerns regarding an employee the Trust will apply the following processes:-

- Informal fact-finding meeting with employee.
- Employee will be offered support and has the right to representation by Trade Union or workplace colleague.
- Occupational Health referral for impartial, confidential advice. Signposting to Trust support teams.
- Advice from HR – may include application of other policies, e.g. Investigation or Disciplinary policies.
- Employee will be granted time off to undergo any help required, for in-patient treatment this will be managed under the Supporting Sickness and Attendance policy.
- Referral to professional body if deemed necessary.
- Involvement from the Local Authority Designated Officer LADO (if required) regarding safeguarding concerns.



E11 - ALCOHOL AND SUBSTANCE MISUSE POLICY

Version:	5
Name of ratifying committee:	People and Wellbeing Committee
Date ratified:	23/03/2021
Name of originator/author:	Katie McCulloch – HR Manager
Name of approval committee:	Employment Policy Review Group
Date approved:	09/02/2021
Name of Executive Sponsor:	Director of Human Resources
Key search words:	Alcohol, drug, substance, misuse, E11
Date issued:	March 2021
Review date:	March 2024



Quick Reference Guide – Alcohol & Substance Misuse Policy

The term 'alcohol and substance misuse' means the use of alcohol, legal and illegal drugs, solvents or other substances in an excessive, habitual or harmful way that results in an impairment to the user's health and safety, work performance, conduct at work or social functioning.

The Trust is committed to providing a safe and healthy working environment for all its employees and the highest possible standards of care to its patients. The Trust recognises that these standards can be put at risk by employees who misuse alcohol and other substances. Any person identified as having problems relating to the misuse of alcohol or other substances will be treated sympathetically, reasonably and positively including the offer of appropriate advice and other necessary assistance in overcoming the problem. All issues concerning alcohol and substance misuse will be dealt with in confidence.

This policy and procedure is designed to promote the health and well-being of all employees and to minimise problems at work arising from alcohol and substance misuse. This policy is applicable to all employees and voluntary workers of the Trust, including contractors working on Trust premises and should be read in conjunction with the Trust's Supporting Sickness and Attendance Policy – E4 and if appropriate the Disciplinary Policy – E5.

This policy details how to manage a situation where an employee is suspected of alcohol and substance misuse; recognising alcohol and substance misuse, the treatment and support options available and further means of advice and guidance.

Version Control, Review and Amendment Logs

Version Control Table				
Version	Date	Author	Status	Comment
5	March 2021	Katie McCulloch	Current	
4	February 2018	Katie Toner	Archived	
3	June 2014	Fleur Flanagan	Archived	
2	December 2005	HR Manager	Archived	
1	December 2002	HR Manager	Archived	

Record of changes made to Alcohol & Substance Misuse Policy - Version 5			
Section Number	Page Number	Change/s made	Reason for change
All	All	Moderate changes to content	Policy due for review and new template used.
All	All	Moderate changes to content	To make the policy more fluid and easier to read for the user.

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1. Introduction

- 1.1 Alder Hey Children's NHS Foundation Trust is committed to promoting the general wellbeing of all 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 illicit drugs plus the use of performance enhancing drugs, legal highs, un-prescribed drugs and the inappropriate use of prescribed drugs.

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 at Alder Hey.

2. Aim

- 2.1 The overall aim of this policy is to develop a supportive workplace with consistent processes that look to assist staff with health and wellbeing issues, whilst also setting out clear expectations of staff behaviour and the potential consequences for failing to meet these expectations. This policy should seek to achieve a balance between supporting employees who may misuse alcohol and or other substances and the overriding need to preserve:

- The delivery of safe patient centred, quality care
- The health, safety and wellbeing of all employees and service users
- Alder Hey NHS Trusts reputation

2.2 Definition of Alcohol and Substance Misuse

For the purpose of this policy, the term 'alcohol and substance misuse' means the use of alcohol, legal and illegal drugs, performance enhancing drugs, legal highs and the inappropriate use of prescribed drugs solvents or other substances in an excessive, habitual or harmful way that results in an impairment to the user's health and safety, work performance, conduct at work or social functioning.

2.3 Statement on Alcohol and the Law

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

3. Responsibilities

3.1 Manager's Responsibilities

- To treat such matters with the utmost sensitivity and confidentiality as far is legitimately and legally possible

- To make employees aware of the policy and the rules and consequences regarding the use of alcohol, drugs and other intoxicating substances
- To be aware of the signs of alcohol and substance misuse and the effects on performance, attendance and health of employees
- To manage the health, safety and welfare of employees and others with whom they come into contact
- To communicate what support that is available to all employees should they have a problem through Employee Health and Wellbeing (Team Prevent)
- To monitor the performance, behaviour and attendance of employees as part of the normal supervisory relationship
- To intervene at an early stage where changes in performance, behaviour, sickness levels and/or attendance patterns are identified to establish whether alcohol or substance misuse is an underlying cause
- To provide support and assistance, where appropriate and for a reasonable period, to employees who are dependent upon intoxicating substances to help their recovery
- To allow reasonable absence from work necessary to receive treatment under the Trust's Promoting & Supporting Attendance at Work Policy, provided that there is full co-operation from the employee. The relevant certification procedures must be followed
- To instigate disciplinary measures where appropriate to do so, seeking advice from the HR team on the approach to be adopted if required.

3.2 Employee Responsibilities

- To not report for duty under the influence of alcohol or any other misused substance; this also applies to staff that are on-call or on standby. All absences will be managed according to the Promoting Attendance Policy.
- To not bring alcohol or substances for misuse onto Trust premises, for consumption or use at work.
- To not be in possession of, consume or bring alcohol or substances for misuse onto Trust property, either for their own use or that of other employees.
- To raise any known problem of alcohol or substance misuse with the manager or another senior manager.
- To co-operate with any support and assistance provided by the Trust to address an alcohol or substance misuse problem.
- To inform a manager/supervisor if there is a concern about a employee that may be alcohol or substance related. This will be treated in the strictest of confidence.

- To inform a senior manager or the HR team if there is a concern about a manager that may be alcohol or substance related. This information will be treated in the strictest of confidence.

3.3 Occupational Health Responsibilities

- To promote the health and wellbeing of employees and to highlight the problems at work that can arise from alcohol and substance misuse.
- To provide advice and guidance on how best to help an individual who has a problem with behaviour or work performance which might be related to alcohol or substance misuse.
- To provide impartial confidential advice to employees which may include referral to the Alder Centre or to another agency such as their GP with the employee's consent
- To maintain confidentiality unless it is essential in connection with the employee's work and in these circumstances, consent from the employee will be sought to release information.
- To advise and support a case conference if appropriate
- If an employee self refers to Occupational Health and the alcohol or substance problem potentially affects their work or there is a legal requirement to be met, they will advise the employee that they must inform their line manager.
- Confidentiality is an ethical and legal duty but is not absolute. OH may need to disclose information if the disclosure is required by statute or if ordered to do so by a judge or presiding officer of a court or if the disclosure can be justified in the public interest – i.e. to protect others from risks of serious harm.
- Medical details provided to the Occupational Health are confidential and are not passed on in reports to the manager; the advice given is about fitness (or otherwise) for work, and any restrictions that might be needed.

3.4 Human Resources Team Responsibilities

- To provide advice and assistance to employees and managers on the implementation of the policy.
- To refer employees for help and support
- To advise on the appropriateness or otherwise of the disciplinary procedure.

3.5 Accredited Union Representative Responsibilities

- Accredited Trade Union Representatives will have the right to represent and advise their members in all matters relating to the application to this policy.

4. Process

4.1 The Trust is committed to supporting employees with an alcohol or substance related problem, however there may be occasions when the disciplinary procedure may need to be invoked and may include suspension from duty.

4.2 Fact Finding – Meeting with the Employee

4.2.1 The meeting should focus on the reasons why the employee is at the meeting and the 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.

4.2.2 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 a employee returning to duty will be managed under the Supporting Sickness and Attendance Policy – E4.
- The employee has the right to representation from their Trade Union Representative or a workplace employee.
- Further advice can be found in the accompanying Alcohol and Substance Misuse Policy Toolkit and at <https://www.nhs.uk/live-well/alcohol-support/>
<https://www.nhs.uk/live-well/healthy-body/drug-addiction-getting-help/>

4.3 Referral to Occupational Health

4.3.1 Following a discussion with a member of the HR team, and if deemed appropriate, the manager should refer the employee to Occupational Health.

4.3.2 If the employee themselves feel that they require support with an alcohol/substance problem, they should then speak to their line manager who can refer them to Occupational Health.

4.3.3 Following the referral and receipt of the Occupational Health report, a further meeting should be convened to consider any advice and whether any further action/support is needed. The referral should clearly state the reason.

It is important to make a record of any meetings and communicate meeting arrangements and outcomes in writing to the employee.

4.4 Application of Other Trust Policies

- 4.4.1 The Trust will, as appropriate, take a constructive and supportive approach when dealing with employees who may be experiencing alcohol/drug or other substance dependency/addiction problems.
- 4.4.2 However, an employee who breaches the rules outlined in this policy puts themselves at risk of facing disciplinary action which could result in dismissal from their employment.
- 4.4.3 Where staff do not self-identify or refuse to accept a problem or fail to seek help, refuse to attend appointments or have been offered assistance to overcome alcohol or drug problems and refuse to cooperate and exhibit unacceptable behaviour, recourse to the Trust's Disciplinary Procedure/ Managing Attendance Policy/Capability Policy may be applied where required.

4.5 Referral to Professional Bodies

- 4.5.1 If the trust has sufficient concerns regarding an employee's fitness to practise as a registered professional, the employee may be referred to their professional body. As a registered professional the employee also has a responsibility to inform their professional body of any alcohol or substance misuse problem.

5. Training

Advice and support on the application of the policy will be delivered by the Human Resources department as and when required.

6. Monitoring

- 6.1 The policy will be monitored through the number of management referrals to the Occupational Health Department (anonymous data), number of self-referrals to the Occupational; Health Department (anonymous data) and the number of alcohol and substance related disciplinary investigations.
- 6.2 The policy will be periodically reviewed by the HR Department and the People and Wellbeing Committee. It will incorporate monthly HR dashboard reporting contained within Board and Corporate reporting processes and includes equality monitoring processes.

7. Further Information

Associated Documentation

Disciplinary Policy – E5

Capability Policy – E30

Supporting Sickness and Attendance Policy – E4

Alcohol and Substance Misuse Policy Toolkit

Sources of Help

Please refer to the Alcohol and Substance Misuse Policy Toolkit.

Equality Analysis (EA) for Policies	
<p>The Public Sector Equality Duty (section 149 of the Equality Act 2010) requires public authorities to have due regard for the for need to achieve the following objectives in carrying out their functions:</p> <ol style="list-style-type: none"> Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Equality Act 2010. Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it Foster good relations between persons who share a relevant protected characteristic and persons who do not share it. <p>Please refer to guidance when completing this form</p>	
Policy Name	E11 – Alcohol and Substance Misuse Policy
Policy Overview	<p>This policy applies to all colleagues of the Trust including those involved in direct and indirect care and support and does not discriminate on any level.</p> <p>All colleagues of Alder Hey Nhs Foundation 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 their performance whilst on duty.</p> <p>No colleagues should report for duty or attend work related meetings under the influence of alcohol or illicit substances. 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>
Relevant Changes (if any)	Click here to enter text.
Equality Relevance Select LOW, MEDIUM or HIGH	MEDIUM
If the policy is LOW relevance, you MUST state the reasons here.	Click here to enter text.
Form completed on:	Date: 18/05/2020
Form completed by:	Name: Katie McCulloch Job Title: HR Manager

If LOW relevance, proceed to Approval and Ratification Section. No further information required

If MEDIUM or HIGH Equality Relevance, complete all sections	
Equality Indicators Identify the equality indicators which will or could potentially be impacted by the policy and include details of how they may be impacted.	<p>Age <input type="checkbox"/> How: Click here to enter text.</p> <p>Disability <input checked="" type="checkbox"/> How: If colleagues are taking prescribed medication whose side effects may impair their performance at work, they should discuss this with their line manager.</p> <p>Gender reassignment <input type="checkbox"/> How: Click here to enter text.</p> <p>Marriage & Civil Partnership <input type="checkbox"/> How:</p> <p>Pregnancy or Maternity <input type="checkbox"/> How:</p> <p>Race <input type="checkbox"/> How: Click here to enter text.</p> <p>Religion or Belief <input type="checkbox"/> How: Click here to enter text.</p>

(use hyperlink to assess the impact on each protected characteristic)	Sex <input type="checkbox"/> How: Sexual Orientation <input type="checkbox"/> How: Human Rights (FREDA principles) <input type="checkbox"/> How: Click here to enter text.
Equality Information & Gaps What equality information is available for protected groups affected by the policy? If none available, include steps to be taken to fill gaps.	There are no gaps that have been identified however we will continue to monitor this policy and make any changes as appropriate.
Stakeholder Engagement What stakeholders are engaged to help understand the potential effects on protected groups? See Gunning Principles for public consultation requirements. How has consultation influenced the policy?	Trade Union Officials and Managers were consulted with during the writing and ratification of this Policy. Feedback from these groups was acted upon and the Policy was amended to reflect any comments made. PRG's membership constitutes members of our Trade Union and Network Groups.
Interdependency How will this affect other policies, projects, schemes from an equality perspective?	Other policies which may be impacted by the policy are: Supporting Sickness and Attendance Policy – E4 Disciplinary Policy – E5 Health & Safety at Work Act 1974 Employment Act 2008
Public Sector Equality Duty Include a summary of how each of the PSED requirements have been considered in order to demonstrate compliance with the Act.	a) Eliminate discrimination, harassment, victimisation etc The policy complies with the Equality Act 2010.
	b) Advance equality of opportunity The policy complies with the Equality Act 2010.
	c) Foster good relations The policy complies with the Equality Act 2010.
Mitigation Include details of all actions to mitigate any negative impact on protected groups.	No discernible impact has been identified however mechanisms for scrutiny and monitoring for further development are in place.
Monitoring Include details of how the equality impact will be monitored.	This policy will be reviewed again in three years time as per standard procedure unless legislative requirements or equality monitoring deem a sooner review.

If MEDIUM or HIGH relevance, the EA should be reviewed annually. Complete Approval and Ratification Section.

Approval & Ratification of Equality Analysis		
Policy Author:	Name: Katie McCulloch	Job title: HR Manager
Approval Committee:	Employment Policy Review Group	Date approved: 09/02/2021
Ratification Committee:	People and Wellbeing Committee	Date ratified: 23/03/2021
Person to Review Equality Analysis:	Name: Sharon Owen	Review Date: 23/03/2024
Comments:	Click here to enter text.	



Alder Hey Children's
NHS Foundation Trust

E11 – ALCOHOL & SUBSTANCE MISUSE POLICY TOOLKIT



Appendix A – Recognising the Signs

The following behaviours or signs could be an example of possible alcohol or substance misuse, please note the following list is not exhaustive;

- Absenteeism
- Poor time keeping
- Poor performance
- Erratic behaviour
- Unusually irritable or aggression
- Sudden mood changes
- A tendency to become confused
- Deterioration in relationship with colleagues

It should be noted that behind an alcohol or drug problem there may often be a personal or work related issue that needs to be acknowledged and supported so that assistance can be sought where possible.

If it is evident that an employee is misusing alcohol or other substances or it is suspected that work performance is being affected by the above, a manager may contact a member of the HR team to discuss holding a meeting with the individual concerned.

Appendix B - Treatment and Support Options

The Trust provides a confidential counselling service to all who require it during the course of any disciplinary process. The service is provided by trained practitioners and coordinated through the Alder Centre and the Occupational Health Department.

Employees can also access support through the 24/7 [Employee Assistance Programme](#), provided by Care First.

Managers may seek advice on fitness to work from the Occupational Health Department.

If the employee is already receiving treatment for their condition, the Occupational Health Department, with the employee's consent to their GP for medical advice and also advise them of the potential sources of support available to them, which may include the Occupational Health Department and Trust Employee Assistance Programme.

If the employee is not undergoing treatment, the Occupational Health Department Physician will, with the employee's permission refer the employee to their GP for advice and treatment.

The line manager should discuss reasonable time off for rehabilitation or counselling with the employee and regular contact should be maintained by the Line Manager during this time. Managers should refer to the Supporting Sickness & Attendance Policy – E4 for options for employees when returning to work following a period of absence.

If workplace relocation of the employee is a consideration, it is important that the manager discuss the reasons behind this decision with the employee; the period of relocation should be defined and a review date set. Following any treatment the manager must support the employee as much as possible to get back into the workplace, or if having remained in work, to support them to resume their regular tasks in full.

Despite the provision of a recovery programme, a relapse may occur. The nature of the relapse should be assessed in deciding how to respond. The risk of relapse within the work area will need to be considered when deciding on rehabilitation. If following treatment or support via the Occupational Health Department the employee's behaviour is unsatisfactory or performance continues to be poor, the appropriate procedures should be invoked, i.e. refer to Capability or Disciplinary Policies.

Drinkline

Helpline providing advice and information for people with alcohol problems and anyone concerned about alcohol misuse. Advice on sensible drinking and information on services to help people cut down on their drinking.

0300 123 1110 (weekdays 9am–8pm, weekends 11am–4pm)

Alcoholics Anonymous Great Britain

The British branch of this worldwide network, AA is an organisation of men and women who share their experience with each other hoping to solve their problems and help others to recover from alcoholism.

0800 917 7650

Al-Anon

Al-Anon is worldwide and offers support and understanding to the families and friends of problem drinkers.

0207 4030888 (open 10am-10pm)

Alcohol Concern

The national agency on alcohol misuse for England and Wales. Provides general information about alcohol, and can help put you in touch with your nearest alcohol advice centre.

020 7928 7377

Talk to FRANK

A government-funded free service, previously named the National Drugs Helpline. Can provide advice to the drug user or anybody concerned about the drug user

0800 77 6600

www.talktofrank.com

Narcotics Anonymous

The largest self-help group for people who want to stop using drugs.

0845 373 3366

www.ukna.org

Please note there are various other external agencies that may be of assistance as a support mechanism.