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| <b>POLICY NAME:</b>                            | <b>ALCOHOL AND SUBSTANCE MISUSE POLICY</b>                                      |
| <b>POLICY ID NUMBER:</b>                       | <b>TW11-013</b>   |
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| <b>AUTHOR (S) (JOB TITLE)</b>                  | <b>Senior HR Business Partner</b>   |
| <b>DIVISION/DIRECTORATE:</b>                   | <b>Corporate/Workforce</b>  |
| <b>LINKS TO ANY OTHER POLICIES/PROCEDURES:</b> | <b>Disciplinary policy<br/>Attendance Management policy<br/>Code of Conduct</b> |
| <b>CONSULTED WITH:</b>                         | <b>PDG</b>  |

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|--|------------------------------|-------------------|
| <b>DATES PREVIOUS VERSION(S) APPROVED</b>                                | Version<br>4                 | Date<br>July 2016 |
| <b>NEXT REVIEW DATE:</b>   | <b>February 2023</b>         |                   |
| <b>MANAGER RESPONSIBLE FOR REVIEW<br/>(Must be Authors Line Manager)</b> | <b>Deputy Director of HR</b> |                   |

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## **1 INTRODUCTION**

- 1.1 Wrightington, Wigan and Leigh NHS Foundation Trust (WWL) considers that it has a responsibility towards the health, safety and welfare of its employees. All employees of the Trust have a responsibility to take reasonable care of themselves and others who could be affected by their actions at work.
- 1.2 The Trust recognises that the health, safety and welfare of all persons can be put at risk by employees who misuse alcohol and substances to such an extent that their health, work performance, conduct and working relationships can be affected. The Trust recognises that alcohol or substance misuse may be an employee health problem, therefore support and assistance will be offered for such cases.

## **2 POLICY STATEMENT**

- 2.1 WWL considers that it has a responsibility towards employees and members of the public to provide a safe and healthy working environment and recognises that this may be jeopardised by those who misuse alcohol, drugs, solvents or other substances within the working environment. The Trust also aims to ensure that its business and service quality is not jeopardised as a consequence of any such misuse. The Trust will, therefore, take appropriate action to protect the health, safety and welfare of all persons, and the efficiency and success of the Trust against substance misuse.
- 2.2 The purpose of this policy is to provide appropriate arrangements, rules, procedures and guidance on alcohol and substance misuse in the workplace. To meet and surpass the requirements of the Health and Safety at Work, etc. Act, 1974, the Misuse of Drugs Act 1971 and all other relevant Acts and Regulations and to maintain a satisfactory standard of work performance.
- 2.3 The policy applies to all established and temporary employees working under a contract of service, other directly contracted persons during the application of that contract and visitors whilst attending a Trust location.
- 2.4 Those staff who are on call, and who may not be on Trust premises, but may be required to attend or offer advice and support over the telephone when contacted, are fully expected to adhere to the spirit and requirements of the policy.
- 2.5 Attendance at work under the influence of any substance which will impair performance or affect health and safety at work, is considered a disciplinary offence, which could result in dismissal.
- 2.6 Further information regarding prevention of substance misuse and the influence of such action is available, in confidence, from the Occupational Health Department who will liaise with external organisations, as appropriate.
- 2.7 The Trust intends to distinguish between employees for whom substance or alcohol misuse is a problem and requires support and any misconduct involving alcohol or substances which will be dealt with under the disciplinary procedure.

## **3 KEY PRINCIPLES**

- 3.1 WWL will ensure the health, safety and welfare of its employees by taking the appropriate action in cases of suspected substance misuse.
- 3.2 WWL recognises that alcohol or substance misuse may be an employee health problem and will provide the appropriate support and assistance in such cases.
- 3.3 All employees are required to attend for work fit for duty. Employees must not be under the influence of alcohol, non-prescription drugs, illegal substances or solvents during or prior to

their working hours, including working from home and on call.

- 3.4 Employees are prohibited from consuming alcoholic drinks whilst on the Trust premises or bringing alcoholic drinks onto Trust premises including Trust vehicles.
- 3.5 Employees found in possession of, or selling, illegal substances will be dealt with in accordance with the Trust Disciplinary Policy.
- 3.6 Where alcohol or substance dependency has been identified the Trust will provide the appropriate level of support.
- 3.7 Where support and treatment are not followed, or the alcohol and/or substance misuse is not through dependency, the Trust will address issues of alcohol and substance misuse and/or associated behaviours through the disciplinary policy.

## **4 RESPONSIBILITIES**

### **4.1 Trust Board**

- 4.1.1 The responsibility for the provision of a Substance Misuse Policy rests initially with the Trust Board.
- 4.1.2 The Trust Board is committed to ensuring that reports of alcohol or substance misuse are taken seriously and to promoting a climate in which all forms of substance misuse are clearly unacceptable.
- 4.1.3 The Trust has a duty to care for the health and safety of its employees.
- 4.1.4 The Trust has a duty to ensure that illegal substances are not possessed, sold, purchased or supplied on Trust premises.

### **4.2 Human Resources Department**

- 4.2.1 The Human Resources Department will oversee the introduction, operation and monitoring of this policy and will report to the Trust Board on a regular basis to ensure the fair and consistent application of the policy throughout the Trust.
- 4.2.2 The Human Resources Department will be responsible for the sympathetic application of the policy, whilst having to consider the safety of other employees and members of the public in addition to the needs of the Trust.
- 4.2.3 The Human Resources Department will answer queries in relation to this policy at a local level.
- 4.2.4 The Human Resources Department will ensure the provision of training, guidance, and support to line managers on the operation of this policy.

### **4.3 Line Managers**

- 4.3.1 Line managers are responsible for informing a member of the Human Resources Department where an employee or incident gives cause for concern regarding the use of alcohol and/or substances.
- 4.3.2 Line managers are responsible for ensuring this policy is applied within their own area.
- 4.3.3 Line managers should ensure that all incidents of substance misuse are properly investigated and dealt with as a matter of urgency. Sensitivity may be required where a substance dependency is suspected.
- 4.3.4 Line managers should also ensure that employees and others for whom they are responsible are aware of, and understand, the requirements of this policy.

### **4.4 Employees**

- 4.4.1 All employees have a duty of care to ensure that they attend for work fit for duty free from any trace of alcohol or other non-prescribed substance which may affect their day to day activity. This includes when they are on-call, working from home, and on breaks (including unpaid).
- 4.4.2 All employees have a duty of care to ensure that any concerns about alcohol or substance misuse by colleagues are reported to their manager. This is in addition to

any obligations that they may have through professional codes of conduct.

- 4.4.3 Employees should inform their line manager if they suspect a fellow employee to be working whilst under the influence of alcohol, drugs or other substances.
- 4.4.4 As outlined in the Staff Handbook, employees should report to their line manager any prescribed medication that may affect their ability to perform their duties.
- 4.4.5 It is the employee's responsibility to seek professional help if they have a problem with alcohol or substance misuse or dependency and to continue with the appropriate treatment and support until the problem has been resolved.
- 4.4.6 Employees must not drive vehicles which are leased by the Trust for them to use on Trust business or vehicles which are their own property for the purposes of work, under the influence of alcohol or illegal substances.
- 4.4.7 Employees have a responsibility to ensure that they commence work with a zero alcohol level prior to attending for any shift.
- 4.4.8 Employees have a responsibility to ensure that a professional image is maintained at all times and should ensure that alcohol odour is never present on their person.
- 4.4.9 It is the employee's responsibility to inform the professional body (if relevant) if they have a problem with alcohol or substance misuse.

#### 4.5 **Occupational Health**

- 4.5.1 The Occupational Health Service will provide a referral and reporting service for line managers in respect of staff with substance dependency problems, where appropriate.
- 4.5.2 The Occupational Health Service will provide the necessary advice, guidance and support to staff with substance dependency problems, where appropriate or signpost as required.
- 4.5.3 Occupational Health will be expected to highlight to the line manager any help and support which may be helpful to be put into place to manage and resolve dependency.
- 4.5.4 Occupational Health will provide information about support that is accessible through the Trust for substance misuse and dependency problems.

### 5 **HUMAN RIGHTS ACT**

The implications of the Human Rights Act have been considered in the formulation of this policy and they have, where appropriate, been fully reflected in its wording.

### 6 **INCUSION AND DIVERSITY**

The Policy has been assessed against the Equality Impact Assessment Form from the Trust's Equality Impact Assessment Guidance and, as far as the author is aware, there is no impact on any Protected Characteristics.

### 7 **MONITORING AND REVIEW**

This policy will be monitored by the HR Department and Staff Side and reviewed 3 years.

### 8 **ACCESSIBILITY STATEMENT**

This document can be made available in a range of alternative formats e.g. large print, Braille and audio cd.

For more details, please contact the HR Department on 01942 77(3766) or email [equalityanddiversion@wwl.nhs.uk](mailto:equalityanddiversion@wwl.nhs.uk)

## **Appendix 1**

### **Glossary of Terms (relevant to policy)**

#### **1. Substance Misuse**

- Alcohol Dependence/Excessive Consumption
- Taking or possession of illegal drugs
- Solvent Abuse (inhalation of gases or glues)
- Misuse of prescribed drugs

#### **2. Substance Dependency**

A condition where an employee's consumption of alcohol/drugs/solvents continually or repeatedly interferes with their health, attendance or work performance.

#### **3. Substance Intoxication**

Excessive consumption which may result in irresponsible behaviour, but which is not related to a physical or psychological dependence.

## Equality Impact Assessment Form

### STAGE 1 - INITIAL ASSESSMENT

| For each of the protected characteristics listed answer the questions below using<br><br>Y to indicate Yes and<br><br>N to indicate No   | Sex<br>(male / female / transgender) | Age<br>(18 years+) | Race / Ethnicity | Disability<br>(hearing / visual / physical / learning disability / mental health) | Religion / Belief | Sexual Orientation<br>(Gay/Lesbian/ Bisexual) | Gender Re-Assignment | Marriage / Civil Partnership | Pregnancy & Maternity | Carers        | Other Group | List Negative / Positive Impacts Below                             |
|--|--------------------------------------|--------------------|------------------|---|-------------------|---|----------------------|------------------------------|-----------------------|---------------|-------------|--|
| Does the policy have the potential to affect individuals or communities differently in a negative way?   | N                                    | N                  | N                | N   | N                 | N   | N                    | N                            | N                     | N             | N           |  |
| Is there potential for the policy to promote equality of opportunity for all / promote good relations with different groups – Have a positive impact on individuals and communities. | Y                                    | Y                  | Y                | Y   | Y                 | Y   | Y                    | Y                            | Y                     | Y             | Y           |  |
| In relation to each protected characteristic, are there any areas where you are unsure about the impact and more information is needed?  | N                                    | N                  | N                | N   | N                 | N   | N                    | N                            | N                     | N             | N           | If Yes: Please state how you are going to gather this information. |
| <b>Job Title</b>   | <b>Senior HR BP</b>                  |                    |                  |   |                   |   |                      |                              | <b>Date</b>           | November 2019 |             |  |

**IF 'YES an NEGATIVE IMPACT' IS IDENTIFIED - A Full Equality Impact Assessment STAGE 2 Form must be completed. This can be accessed via [http://intranet/Departments/Equality\\_Diversity/Equality\\_Impact\\_Assessment\\_Guidance.asp](http://intranet/Departments/Equality_Diversity/Equality_Impact_Assessment_Guidance.asp)**

Please note: As a member of Trust staff carrying out a review of an existing or proposal for a new service, policy or function you are required to complete an Equality Impact Assessment. By stating that you have **NOT** identified a negative impact, you are agreeing that the organisation has **NOT** discriminated against any of the protected characteristics. Please ensure that you have the evidence to support this decision as the Trust will be liable for any breaches in Equality Legislation.

**POLICY MONITORING AND REVIEW ARRANGEMENTS**

**NAME OF POLICY/SOP or CLINICAL GUIDELINE:**

| Para | Audit / Monitoring requirement | Method of Audit / Monitoring  | Responsible person        | Frequency of Audit      | Monitoring committee                               | Type of Evidence | Location where evidence is held |
|------|--------------------------------|---|---------------------------|-------------------------|--|------------------|---------------------------------|
|      | Fair application of the policy | Employer Relations Review Panel and Employer Relations Triage Panel | Workforce Governance Lead | Quarterly / Fortnightly | Workforce Committee via Employer Relations reports | Reports          | HR shared drive                 |