

<b>STANDARD OPERATING PROCEDURE</b>	<b>ALCOHOL AND SUBSTANCE MISUSE MANAGEMENT</b>
<b>SOP ID NUMBER</b>	<b>TW11-013 SOP 1</b>
<b>VERSION NUMBER</b>	<b>5</b>
<b>APPROVING COMMITTEE</b>	<b>Partnership Committee</b>
<b>DATE THIS VERSION APPROVED</b>	<b>e-approved January 2020</b>
<b>RATIFYING COMMITTEE</b>	<b>PARC (Policy Approval and Ratification Committee)</b>
<b>DATE THIS VERSION RATIFIED</b>	<b>February 2020</b>
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<b>DIVISION/DIRECTORATE</b>	<b>Corporate/Workforce</b>
<b>ASSOCIATED TO WHICH POLICY?</b>	<b>Alcohol and Substance Misuse</b>
<b>CONSULTED WITH</b>	<b>PDG</b>

<b>DATES PREVIOUS VERSION(S) RATIFIED</b>	<b>Version 4 July 2016</b>
<b>DATE OF NEXT REVIEW</b>	<b>February 2023</b>
<b>MANAGER RESPONSIBLE FOR REVIEW (Job Title)</b>	<b>Deputy Director of HR</b>

**AT ALL TIMES, STAFF MUST TREAT EVERY INDIVIDUAL WITH RESPECT  
AND UPHOLD THEIR RIGHT TO PRIVACY AND DIGNITY**

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## **1 Introduction**

This Procedure should be read in conjunction with the Alcohol and Substance Misuse Policy.

## **2 Recognising Alcohol or Substance Misuse**

2.1 Alcohol or substance misuse may be the cause or symptom of a variety of problems at work. The earlier those individuals with difficulties are identified the greater the success of any assistance offered. All managers must maintain a constant check on the following aspects of employees behaviour at work as there may be a serious underlying health issue which could include substance misuse:-

- 2.1.1 Absenteeism/poor time keeping.
- 2.1.2 Incidents of accidents.
- 2.1.3 Poor or reduced performance.
- 2.1.4 Conduct, behaviour and appearance.
- 2.1.5 Inter-personal problems.
- 2.1.6 Changes in behaviour patterns.

## **3 Procedure for Dealing with a Suspected Alcohol/Substance Misuse Problem**

Where a manager suspects that an employee has an alcohol or substance misuse problem they should take the following steps:-

- 3.1 Contact the HR Department and speak to Advisor/HR Business Partner.
- 3.2 Take the employee to a private office where you can have a discussion.
- 3.3 Reassure the employee that the content of all discussions will be kept confidential except in the case of serious matters that may affect the health and safety of staff at work and/or patient care, which cannot be kept confidential and further action may need to be taken.
- 3.4 Concentrate on the incidences of poor performance or behaviour that have been observed/identified.
- 3.5 Explore the reasons for the poor performance, changed or unacceptable behaviour.
- 3.6 Discuss any possible work related causes with the individual. (i.e. workload, responsibilities).
- 3.7 Under normal circumstances, seek advice from the Occupational Health Department regarding the signs and symptoms of substance misuse.
- 3.8 If appropriate, refer the employee to the Occupational Health Department and advise the employee of the referral.
- 3.9 Where appropriate discuss the Alcohol and Substance Misuse Policy and the help available.
- 3.10 Agree any further action (e.g. counselling, visit to GP, temporary modification of duties, also consequences of further incidence).
- 3.11 Arrange regular review meetings to monitor progress and discuss any further problems which may arise.

- 3.12 If the employee advises the manager that they have an alcohol or substance misuse problem the manager must:-
- 3.12.1 Reassure the employee that the content of all discussions will be kept confidential except in the case of serious matters that could affect the health and safety of staff at work and/or patient care, in which case there may be a requirement to inform relevant parties and further action may have to be taken.
  - 3.12.2 Discuss the policy and the help available (i.e. Occupational Health, Counselling).
  - 3.12.3 Refer to Occupational Health, allowing time for any appointments and further referrals for support/treatment as long as the employee co-operates fully.
  - 3.12.4 Manage the problem as a health problem under the Attendance Management Policy.
  - 3.12.5 Agree future action.
  - 3.12.6 Arrange regular review meetings to monitor progress and discuss any further problems should they arise.
  - 3.12.7 Seek further advice from Occupational Health, HR or another relevant senior manager if required.
  - 3.12.8 Where a manager suspects that an employee is under the influence of alcohol or other substances at work, the manager should:-
    - 3.12.8.1 Contact the HR Department and speak to a HR Advisor or Business Partner.
    - 3.12.8.2 Do not ask the employee to leave the Trust premises if they are considered to be unfit for work due to suspected alcohol or substance misuse.
    - 3.12.8.3 Make arrangements to meet with them as soon as practical to discuss the incident.
    - 3.12.8.4 Consider suspension from duty if appropriate.
    - 3.12.8.5 Ensure the employee has the right to representation at any meetings.
    - 3.12.8.6 Refer to the Occupational Health Department.
    - 3.12.8.7 Keep clear records of the incident and any discussions with the employee.
    - 3.12.8.8 Provide the employee with copies of the Disciplinary and Code of Conduct Policies.
    - 3.12.8.9 Employees who are suspected of being under the influence of either alcohol or drugs should not be allowed to drive, therefore it may be necessary for the line manager to make alternative transport arrangements.
    - 3.12.8.10 Arrangements to safeguard an employee who is suspected of being intoxicated should be made until such time as he/she is able to look after him/herself. For example, he/she should not be allowed to operate machinery, drive, or engage in any other activity which may cause harm.

#### **4 Illegal Substances**

- 4.1 The Trust has a duty to ensure that illegal substances are not possessed, sold, purchased or supplied on Trust premises. Failure to adhere to this rule constitutes gross misconduct and will be dealt with in accordance with the TW10-097 Trust's Disciplinary Policy and Code of Conduct.
- 4.2 The possession of, supply, or intent to supply certain drugs is illegal. If a manager is aware or reasonably suspects that an employee is acting in an illegal manner the involvement of the policy should be sought, following advice from the HR Department.

- 4.3 Managers must consider, with advice from HR, what internal investigations and actions are needed even if the police decide not to institute proceedings.

## **5 Professional Bodies**

Allegations of professional misconduct relating to the possession or use of illegal substances by a registered healthcare professional will be reported to the appropriate statutory body.

## **6 Code of Conduct and Disciplinary Policy**

- 6.1 Alcohol and substance misuse offences are categorised as misconduct or gross misconduct and may be treated as such under the Code of Conduct and Disciplinary Policy. This is a separate issue from alcohol or substance dependency which may require medical treatment and will be managed under the attendance management policy.

- 6.2 If, during an investigatory interview, it becomes apparent that an employee has an alcohol or substance misuse related problem the following options are available:-

6.2.1 Disciplinary action halted for the particular occasion of misconduct providing the employee seeks help and continues with the agreed treatment.

6.2.2 Disciplinary action deferred for a defined period whilst the individual seeks help where the misconduct is considered at a level of seriousness to warrant a disciplinary hearing and subsequent action in addition to referral to Occupational Health.

6.2.3 The Trust is committed to helping employees with an alcohol or substance misuse problem. However, being under the influence of such at work is a serious offence which may be considered as gross misconduct and dealt with accordingly.

## **7 Refusal of an Offer of Help**

If an employee refuses help and assistance offered, or deviates from the agreed action plan, including treatment, disciplinary proceedings will commence or continue. Work or performance may be monitored for a specific period, after which it may be necessary to resume disciplinary procedures if the performance or behaviour has not reached an acceptable level.

## **8 Employees Who Exhibit Signs and Symptoms of Substance Abuse But Who Deny this**

- 8.1 Employees who do disclose an alcohol or substance abuse problem should be supported to recover, but repeated problems with conduct or performance at work cannot be tolerated.

- 8.2 Managers should be supported to pursue concerns via the Disciplinary Policy if they strongly suspect that an employee has attended work under the influence of alcohol or substances. Incidents should be documented and advice should be sought from Occupational Health regarding signs and symptoms. Managers do not need proof that an employee has attended work whilst intoxicated, and may act on the balance of probability that the signs and symptoms, behaviour, acts or omissions or other concerns, amount to a strong likelihood that intoxication is the reason.

## **9 Human Rights Act**

Implications of the Human Rights Act have been taken into account in the formulation of this document and they have, where appropriate been fully reflected in its wording.

## **10 Accessibility Statement**

This document can be made available in a range of alternative formats eg large print, Braille and audio cd. For more details, please contact the HR Department on 01942 77 3766 or email [equalityanddiversity@wvl.nhs.uk](mailto:equalityanddiversity@wvl.nhs.uk)