



Dudley
Clinical Commissioning Group

SUBSTANCE MISUSE POLICY

UNIQUE REFERENCE NUMBER:	RC/XX/051/V2
DOCUMENT STATUS:	Approved by Committee 7 June 2017
DATE ISSUED:	June 2017
DATE TO BE REVIEWED:	June 2020

AMENDMENT HISTORY

VERSION	DATE	AMENDMENT HISTORY
D1	Feb 14	Addition of branding and formatting changes in line with Policy for Development of Policies.
V1	Jan 14	Approved by Rem Comm.
RC/XX051/V1	Dec 14	Unique reference number added prior to publication
RC/XX051/V2	June 2017	Three yearly review

REVIEWERS

This document has been reviewed by:

NAME	DATE	TITLE/RESPONSIBILITY	VERSION
Steph Cartwright	Dec 13	HR Lead	D1
Julia Dixon	Dec 13	Staff Side Lead	D1
Amy Huckle	1 May 2017	HR Lead	D2
Staff Side	5 June 2017	Staff Side	D2

APPROVALS

This document has been approved by:

NAME	DATE	VERSION
Remuneration Committee	8 January 2014	V1
Remuneration & HR Committee	7 June 2017	V2

N.B: the version of this policy posted on the intranet must be a PDF copy of the approved version.

DOCUMENT STATUS

This is a controlled document. Whilst this document may be printed, the electronic version posted on the intranet is the controlled copy. Any printed copies of the document are not controlled.

RELATED DOCUMENTS

These documents will provide additional information.

Contents

1.0	Policy Overview	4
1.1	Purpose.....	4
1.2	Who this Policy Applies to.....	4
1.3	Key Principles	4
1.4	Legal considerations.....	4
2.0	What is Substance Misuse?	5
3.0	Organisational Position	5
4.0	Suspecting Substance Abuse	6
5.0	Process for managing staff	6
6.0	Support for staff	7
7.0	Equality Statement	8

1.0 Policy Overview

1.1 Purpose

This policy is designed to detail the organisations approach to managing circumstances where substance abuse is suspected. The policy will also provide managers with guidance for managing the effects of substance misuse by employees.

1.2 Who this Policy Applies to

The policy applies to all staff that are employees of the organisation in either a permanent, fixed term or temporary post. This policy also applies to all those who carry out work on the organisation's behalf including agency staff, consultancy staff and office holders.

1.3 Key Principles

The organisation is committed to promoting the wellbeing of all its employees, and recognises that substance misuse cannot only affect their health but also attendance, work performance and relationships with colleagues. When managing staff, managers will seek to balance the need to promote the general wellbeing of all employees and maintain work performance and the quality of outputs.

All such matters must be handled by managers with sensitivity and confidence, with any information being released to other parties on a 'need to know' basis only.

Research suggests that early identification of substance misuse problems improves the chances of treatment being successful. Therefore the workplace provides an opportunity for early intervention because impaired work performance should be easily recognised. All managers have a responsibility under this policy to be vigilant, proactive and supportive to ensure the appropriate management of any alcohol or drug related problem.

1.4 Legal considerations

Misuse of Drugs Act 1971; Misuse of Drugs Regulations 2001

2.0 What is Substance Misuse?

- 2.1 The misuse of any substance in the context of this policy is defined as:
- 2.2 'Behaviours resulting from the misuse of alcohol, drugs and other substances which harm or have the potential to harm the individual (both physically and mentally) and, through the individual's actions, other people and the environment'.
- 2.3 As a manager you may be able to identify signs of substance misuse as work performance may reduce and change, this may include:
- Lateness and absenteeism
 - Loss of productivity and poor performance
 - Health and safety concerns
 - Unacceptable behaviour or poor conduct
 - Adverse effects on team morale and morale of colleagues
 - Adverse effects on the organisation's image and customer relations
- 2.4 These indicators are not exhaustive and managers should be vigilant for any behaviours and conduct that are normally out of character for the employee.

3.0 Organisational Position

- 3.1 The organisation takes the following stance in relation to alcohol and breach of this policy may result in disciplinary action as per the Disciplinary Policy.
- No alcohol should be brought into or consumed on organisation premises, unless previously agreed by a Senior Manager for a formal function for consumption outside of working hours
 - The consumption of alcohol or use of any substance that may impede an employee's working capability, is prohibited. This includes drinking alcohol during lunch breaks and before evening work
 - All employees are individually responsible for taking all reasonable precautions to ensure their fitness for work. Managers may, however, periodically wish to remind employees of their individual responsibility for this
 - Dealing in or possession of illegal substances will be reported immediately and will be managed under the organisation's disciplinary policy
 - If, whilst under the influence of alcohol, drugs or other substances at work, a member of staff behaved in a way which could be regarded as gross misconduct, for example carries out an assault, behaves indecently, causes malicious damage to property or threatens in any way the health or safety of a patient, a member of the public or another member of staff, irrespective of whether support may also be appropriate for an underlying problem, disciplinary action will be taken
- 3.2 The organisation will endeavour to offer help and assistance to any employee who has a substance misuse issue, however, it is also the responsibility of the employee to accept this help and assistance to improve their condition. If they choose not to accept this help and assistance and their condition continues to be a cause for concern, disciplinary action may be considered.

3.3 The organisation does not require an alcohol or drugs test to be administered to prove employees being under the influence of a substance however, we ask managers to be vigilant and provide views as to whether an employee's performance or conduct is influenced by a substance.

4.0 Suspecting Substance Abuse

4.1 Substance misuse can affect the performance of staff in several ways and it may not be appropriate to deal with every situation in the same way. There may be an immediate situation requiring resolution or an on-going performance issue to be managed. Any of the following could be examples of substance abuse, each would need to be dealt with differently.

4.2 For example;

- an incident may occur as a result of a member of staff being under the influence of alcohol, drugs or other substances
- a pattern of regular absences may emerge indicating a problem
- a complaint may be received about a member of staff which indicates there may be a substance misuse problem
- performance gradually deteriorates over a period of time

4.3 All staff are required to be fit to commence their duties and must remain so throughout their working day. If an employee is unfit or becomes unfit, in the manager's' opinion, because of substance misuse, they will not be allowed to commence work or will be sent home, with pay, to recover. On return to work they will be subject to a return to work interview which may, according to the circumstances, result in disciplinary action being instigated.

4.4 Some acts of misconduct while under the influence of any substance may be so serious that they must be considered as acts of gross misconduct rendering the employee liable to dismissal. This may include endangering the health and safety of themselves, colleagues or other persons. Any disciplinary action must be completed using the Disciplinary policy.

4.5 Misconduct will also include being found to be illegally in possession of, the supply of, or taking of a controlled or uncontrolled drug at work or outside of work if that has a bearing on their suitability to continue in post.

5.0 Process for managing staff

5.1 Managers or colleagues who suspect an employee of having a substance misuse problem should discuss their suspicions with a HR Business Partner, before approaching the individual. As with any problem affecting ability to work, initial action must be taken by the line manager. It is important to identify any on-going problem at an early stage when help can be made available. It would not normally be necessary to suspend an employee pending investigation, unless there could be a risk to themselves, a patient or another member of staff. Any suspension (if necessary) must be carried out in accordance with the organisation's Disciplinary policy.

5.2 Managers, following discussion with the employee, should refer cases of suspected or admitted substance misuse to Occupational Health. As with all Occupational Health referrals written consent of the member of staff should normally be obtained, but if there is a serious concern and they refuse to give

consent, the management referral should proceed regardless. Employees that refuse to go to Occupational Health should be reminded that as part of their employment they are required to attend Occupational Health if required by management and a referral is made.

- 5.3 If an alcohol or substance misuse problem is admitted, managers should advise the member of staff what support can be provided. Consideration may need to be given to reallocation to other duties during and after rehabilitation, depending on the circumstances. If after help and support, the situation does not improve, the member of staff should be advised of the implications of continuing problems with their performance or behaviour or absence and should be given an indication of how the situation will be monitored and over what timescale.
- 5.4 In the event of staff denying having a drink or substance misuse problem, the situation should be dealt with by making clear what improvement is required in their performance, behaviour or absence, within a stated timescale and how the situation will be monitored. The member of staff should also be advised who they can approach confidentially for help and advice. In this circumstance advice should be sought by Human Resources and consideration should be given as to whether to instigate any of the following policies; Capability, Disciplinary or Sickness Management.
- 5.5 Should any individual refuse help or discontinue a programme of treatment, this should not in itself be grounds for disciplinary action. However, unacceptable behaviour and standards of work, or actions endangering patients, members of the public or other staff will be dealt with through normal disciplinary procedures. Every case will be individually considered.
- 5.6 If an investigation is instigated the organisation may insist on a rehabilitation period as a sanction to a formal warning (for example reduced hours whilst addressing a substance abuse problem) the employee will be responsible for complying with this condition. If a programme of rehabilitation is introduced then the employee can take sick leave whilst being helped and will therefore be entitled to the benefits that accrue.
- 5.7 Every effort will be made to ensure the employee returns to their job on completion of the rehabilitation programme. In cases where the employee is not considered fit to return to the same job, or where doing so, may undermine recovery, efforts will be made to find suitable alternative employment. This may include a period of retraining.
- 5.8 If, after returning to employment during or following the rehabilitation programme there is a recurrence of the substance misuse issue, each individual case will be considered on its merits at that time. A further opportunity may be given to commence an additional rehabilitation programme if appropriate, however, disciplinary action may be considered if all avenues have been exhausted and no improvement has been made.

6.0 Support for staff

- 6.1 Employees who have a substance misuse problem, or who suspect they may have a problem, are encouraged to seek help either by discussing the matter confidentially with their immediate manager, staff-side, union rep, an external agency, Occupational Health, Human Resources or their General Practitioner.

- 6.2 Where an employee makes a self-referral to Occupational Health, clinical details and advice to staff are kept in the strictest confidence and Occupational Health only divulge details with written agreement from the member of staff, except in cases where there may be a serious risk to that person, patients, other staff or the public.
- 6.3 Requests for assistance will be treated in strict confidence and will not affect the employee's job security if help and treatment is sought. Information will only be released to third parties on a 'need to know' basis
- 6.4 Any requests made will be considered in line with the procedure in the Flexible Working policy and will be judged on the basis of business needs.

7.0 Equality Statement

- 7.1 In applying this policy, the organisation will have a due regard for the need to eliminate unlawful discrimination, promote equality of opportunity and provide for good relations between people of diverse groups. In particular on the grounds of the following characteristics protected by the Equality Act (2010); age, disability, gender, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sexual orientation, in addition to offending background, trade union membership or any other personal characteristic.