

**Substance misuse by staff policy**

Lead executive	Director of Nursing, Therapies and Patient Partnership
Author with contact details	Head of Human Resources - 01244 852301
Responsible Committee/Sub Committee	Workforce and OD Sub Committee
Document approved by & date	Workforce and OD Sub Committee - 12 th July 2010
Document consultation	Consultation & Negotiation Partnership Committee Medical Local Negotiating Committee
Patient and Public Involvement (outline any PPI input into policy and associated impact on service users and carers)	PPI representation at WOD and policy review group
What type of document is this	Policy
Document applicable to	All employees
If new document, reason for development	N/A
Synopsis outlining document aims	This document provides guidance on how CWP will support staff with drug or alcohol problems
Implementation Date	October 2010
How will the implementation of this document be monitored and reviewed	Via the Workforce and OD Sub Committee
Document to be read in conjunction with:	HR3.5 Management of attendance policy and procedure HR3.3 Disciplinary policy and procedure
Financial resource implications of this document and how these are going to be addressed:	N/A
Is this document carried out wholly or in part by contractors, or organisations with which CWP has a service level agreement, and if so state the relevant contractor	N/A

Document Change History (changes from previous issues of policy (if appropriate)) :

Issue Number	Page	Changes made with rationale and impact on practice	Date
1	8	Minor up dates throughout document	Oct 2010
1	9	Inclusion of paragraph on the use of drugs outside of the workplace	Oct 2010
1		Inclusion of duties and responsibilities	Oct 2010

CONTENTS

1.0	Introduction	3
2.0	General principles	3
3.0	Confidentiality	4
4.0	Management of suspected alcohol or drug misuse.....	4
6.0	Alcohol in the workplace	5
7.0	Drugs in the workplace	6
8.0	Use of drugs outside of the workplace.....	6
9.0	Police involvement	6
10.0	Health promotion.....	6
11.0	Training.....	6
12.0	Professional / disciplinary bodies	6
13.0	Duties and responsibilities.....	6
14.0	Policy review	7
Appendix 1 - Training needs analysis		8
Appendix 2 - Equality and diversity / human rights impact assessment		9

1.0 Introduction

Cheshire and Wirral Partnership NHS Foundation Trust (CWP) is committed to providing an efficient, safe and effective service through the staff it employs. Through its managers CWP will endeavour to provide support and job security for employees with alcohol or drug related problems.

It is recognised that alcohol or drug misuse in employment may either take the form of isolated incidents, or be symptomatic of a more deep-seated alcohol or drug related problem, which may lead to a disruption in physical, mental or social well being. This policy therefore sets out procedures for managing these issues.

For the purpose of this policy, the term drug misuse also covers solvent misuse, the misuse of [illegal / non prescribed](#) drugs or the misuse of any other harmful substance.

CWP discourages efforts to cover-up the behaviour of a colleague who is unfit for work due to the effects of alcohol or drug misuse and believes that this is not in the interest of employees, service users or the organisation as a whole.

It is the responsibility of all CWP staff to protect their own safety and the safety of service users, carers and visitors. This can be achieved through effective workplace policies. Service user safety can be affected if the performance of staff is impaired through drinking alcohol or drug misuse. It is of paramount importance that staff who are misusing alcohol or drugs are supported and CWP will strive to provide access to appropriate support.

This policy applies to all staff, however in the case of doctors reference should be made to guidance contained in handling concerns about the conduct, capability and health of medical staff.

2.0 General principles

CWP is concerned to provide a safe and healthy environment for its employees and to ensure both their fitness and the safety of the members of the public it cares for.

It recognises that members of the public can be put at risk by employees who misuse alcohol or drugs to the extent that this affects their health, work performance or conduct at work. Any employee whose work performance is impaired by alcohol or drug misuse runs the risk of committing an offence under the Health and Safety at Work Act, if, as the result of the impairment, he / she acts in a way which jeopardises the safety of others.

Problem drinking is defined as the intermittent or continuous consumption of alcohol which leads to disruption in physical, mental or social well-being. This policy, which applies to all employees, irrespective of position, aims to:

- Raise employees' awareness of the harmful effects of excessive or inappropriate alcohol or drug misuse;
- Promote safe limits for the use of alcohol;
- Promote confidential and sensitive management of staff with alcohol or drug misuse problems, adopting an approach which is appropriate to the circumstances;
- Ensure that every employee is aware of their personal responsibility to ensure that their ability to perform their duties in a safe and satisfactory manner is not impeded by alcohol or drug misuse;
- Similarly, CWP (as the employer) and its managers, also have responsibility for ensuring that all employees are fit for duty;
- Assist in identifying an employee with possible problems relating to alcohol or drug misuse at an early stage and offer guidance and encourage the individual to seek appropriate help.

3.0 Confidentiality

It is of the utmost importance that discussions with an employee about their fitness to work are confidential. This requirement will also apply to counselling or treatment given to any employee who acknowledges that they have a problem and has sought professional help. However, where disclosure of information is necessary, it will be based on Caldicott principles.

Breaches of this confidentiality, including inappropriate access to care notes, other than on this basis, will result in disciplinary action being taken against the offender.

4.0 Management of suspected alcohol or drug misuse

Where any employee suspects that another employee has arrived on duty unfit to work due to the effects of alcohol or drugs, the matter should be immediately referred to the appropriate senior manager (on call / on duty). The manager to whom the matter is referred should interview the employee before deciding what action should be taken. The employee must be given the right to be accompanied at the interview by an accredited trade union representative, or a workplace colleague of their choice. It is recognised that there may be occasions where time does not allow for an employee to be accompanied; in this case the interview may proceed and a follow up interview will be arranged. This second interview may be waived by agreement with the Trade Union representative and the employee.

If it is considered that the employee is unfit to continue their work and may be at risk or place others in a risk situation, the employee will not be allowed to continue working. The following management options should be provided to the employee:

- Referral to the occupational health service;
- Organise transportation home;
- Contact to be made with nearest relative / friend etc.

In addition to the management options, an employee may choose to refer themselves to an appropriate internal source or external agency.

The manager will have to decide whether the employee's behaviour constitutes misconduct, in which case the [Disciplinary policy and procedure](#) should be followed. In the event of the behaviour not being regarded as misconduct, but physical inability to carry out their duties, the employee will be regarded as on sick leave and receive the normal entitlements.

In the event of a serious case of misconduct at work, the manager should consider suspending the employee on full pay whilst the matter is formally investigated and a decision made concerning what action to take. In all cases, advice should be sought from the HR department.

If, however, following medical advice, the employee is considered to have an alcohol or drug related problem, it should be dealt with in accordance with Section [5. Problem drinking / drug misuse](#) of this policy.

In the case of an employee whose work performance is suspected of being impaired through alcohol or drugs this should be dealt with in accordance with Section [5. Problem drinking / drug misuse](#) of this policy.

In the case of an employee who shows signs of deterioration or a reduced level of work performance over a period of time, this should also be dealt with in accordance with Section [5. Problem drinking / drug misuse](#) of this policy.

5.0 Problem drinking / drug misuse

CWP is committed to providing professional support to any employee who has an alcohol or drug related problem, at the earliest possible opportunity, with the aim of helping them to overcome their problem. For this support to be effective however, the employee must first recognise and accept that they have a problem and is willing to seek help. Management, workplace colleagues, Trade Unions, staff organisations, occupational health and staff support can therefore play an important role in encouraging the employee who has the problem to seek help.

Should the employee, following support from CWP, be unwilling to acknowledge that they have a problem and declines help, their performance may then be regarded as a disciplinary matter.

If any employee accepts treatment or help, the following will apply:

- The employee, whilst under going treatment or receiving help, may be eligible for sick leave and entitled to whatever benefits are available under CWP's terms of employment;
- The employee shall, after receiving treatment or help, return to the same post which was held prior to the treatment or help, unless there is a medical opinion to the contrary;
- In the event of the employee, after receiving treatment or help, not being able to return to the same post, every effort will be made to redeploy them.

It is recognised that work performance may continue to suffer as a result of excessive drinking or substance misuse:

- After treatment;
- During treatment or help;
- Following a return to employment.

The impact of this should be considered in the context of the individual circumstances. If appropriate, further opportunities to seek help should be provided and the employee asked to co-operate if further treatment is needed.

With support it is hoped that any employee with a drink problem or a dependency on drugs may be rehabilitated. However, it is recognised that in some cases, where attendance is an issue this will need to be managed under the [Management of attendance policy and procedure](#) or where performance or conduct remain a problem, there will be no alternative but to manage this using the [Disciplinary policy and procedure](#).

6.0 Alcohol in the workplace

CWP has a public duty to set an example by promoting a culture in which consumption of alcohol by its employees whilst they are at work is not permitted. Alcohol will not be served to employees on Trust premises.

The effect of alcohol on the central nervous system causes a slowing of the brain's responses to events, reactions, thoughts and co-ordination can all suffer. Consumption of alcohol, however limited, can therefore have an adverse effect on work performance and the service provided, particularly in relation to patient care.

In order to maintain public confidence in the ability of all employees to deliver the service, employees will not be permitted to consume alcohol at anytime during their period of duty, as even the smallest quantity of alcohol is detectable on a person's breath.

Alcohol will not be provided at any social function for employees held during working time. Retirement functions etc, where alcohol is required should be held off Trust premises.

Any employee who fails to observe these requirements may be subject to disciplinary action.

7.0 Drugs in the workplace

CWP has a public duty to ensure that the misuse of drugs in the workplace will not be tolerated and renders the individual liable to disciplinary action and possible criminal action.

The possession or use of illegal substances constitutes gross misconduct and will be dealt with in accordance with the [Disciplinary policy and procedure](#).

8.0 Use of drugs outside of the workplace

If a member of staff divulges that they are using illegal substances outside of the workplace which may or may not be impacting on their work a decision will need to be made whether this is reported to the Police (see section [9.0 Police involvement](#) below). In making this decision CWP will adopt the same approach taken with clients in that an assessment will be made based on risk. If a member of staff has admitted to drug use and wants help then CWP will treat that information in confidence with a view to offering support and treatment rather than taking punitive action or informing the Police unless this is deemed to be absolutely necessary and in accordance with Caldicott principles.

Knowledge or allegations of staff dealing in drugs outside of work will be viewed seriously and whilst CWP would still wish to continue to offer support and treatment it is likely that this would be investigated under the [Disciplinary policy and procedure](#) and be notified to the Police.

9.0 Police involvement

The possession, supply, or intent to supply, of certain drugs is illegal. If an employee is aware or suspects that another employee is acting in an illegal manner, this should be reported to a manager who will refer the matter to the director of operations who will then decide whether to notify the Police.

If the Police decide not to institute proceedings, a manager must consider what further investigations and actions are needed; in particular, whether disciplinary action is necessary. If the Police are simultaneously conducting their own enquiries, the manager investigating the incident should make every effort to conduct the investigation in co-operation with theirs. If there seems to be a danger that investigations by management may prejudice police enquiries or court proceedings, the manager should consult the Police, the HR Department and CWP's own legal advisers before proceeding.

10.0 Health promotion

CWP is committed to supporting the well-being of staff and the continued development of health education and promotion in respect of all its employees. This is of prime importance in the prevention of alcohol and drug misuse. We will also support staff as far as possible in using the professional expertise available within CWP.

11.0 Training

Supporting staff with drug and alcohol problems will be incorporated into training / awareness for managers and awareness of this policy will be promoted throughout CWP.

12.0 Professional / disciplinary bodies

Allegations of professional misconduct by a registered health care professional will be reported to the appropriate regulatory body by the relevant professional head of service. The director of operations and director of nursing, therapies and patient partnerships will be kept informed of the progress and outcome of any report such made.

13.0 Duties and responsibilities

All Staff (individual employees) will:

- Seek to protect their own safety and the safety of others;
- Seek appropriate support for any drug or alcohol related problems;
- Encourage colleagues who confide in them to seek appropriate help and support;
- Don't cover up for colleagues who are unfit to work;
- Report to your manager any staff who you suspect are acting illegally.

Managers will:

- Ensure that staff are aware that CWP will support staff who admit to having a drug or alcohol problem;
- Ensure that this policy is applied fairly and consistently;
- Seek advice from HR, occupational health or staff support services on any matters relating to the application of this policy as required;
- Ensure that staff are made aware that no drugs or alcohol are allowed in the workplace and if found will be treated as misconduct.

Senior Managers will:

- Ensure that this policy is applied in a fair and consistent manner.

Human Resources will:

- Support and advise managers in the application of this policy;
- In consultation with staff side ensure that this policy is reviewed and developed in line with good practice.

Staff side representatives will:

- Provide members with support and advice in relation to this policy;
- Contribute to the development and review of this policy.

Occupational health and staff support service will:

- Provide advice and support to managers in relation to supporting employees referred with drug or alcohol related problems.

14.0 Policy review

This policy will be reviewed through the consultation and negotiation partnership (CNP).

Appendix 1 - Training needs analysis

Training

For all Trust training please refer to policy HR6 Trust wide policy on learning and development requirements <http://www.cwp.nhs.uk/GuidancePolicies/Policies/Humanresources/Pages/default.aspx>

Appendix 2 - Equality and diversity / human rights impact assessment

	IS IT RELEVANT?		HOW RELEVANT IS IT?	
	Does the policy include anything that ... Eliminates discrimination and/or Promotes equal opportunities (Answer yes, no or N/A for each category listed)	Is there evidence to believe that groups could be treated different- if so, which groups within each category(e.g. under 16 year olds in age category)	How much evidence do you have 1. None or a little 2. Some 3. Substantial	Is there public concern that the policy is discriminatory ¹ (Answer yes, no or N/A for each category listed)
Race	NO	NO	N/A	N/A
Gender	NO	NO	N/A	N/A
Disability	NO	NO	N/A	N/A
Age	NO	NO	N/A	N/A
Sexual orientation	NO	NO	N/A	N/A
Religion or beliefs	NO	NO	N/A	N/A

Now evaluate your answers by using the criteria provided and underline which describes your policy

Relevance	Rationale	Monitoring ²
High relevance	If there is substantial evidence that indicates that groups could be treated differently because of the policy	You need to start monitoring the impact of this policy within a year of it being introduced
Medium relevance	If there is some evidence that indicates that groups could be treated differently because of the policy	You need to start monitoring the impact of this policy within 2 years of it being introduced
<u>Low relevance</u>	If there is little/no evidence that indicates that groups could be treated differently because of the policy	Impact monitored at least every 3 years

¹ Could be gauged from surveys, audit data, complaints etc,

² Policy Reviews Group working with Equality & Diversity/Human Rights Group must monitor the impact of policies through the following channels results from the national service user survey, the national mental health and ethnicity census, complaints data, PALS feedback, individual systems within clinical services through which ward and community staff liaise with service users and carers i.e. ward meetings, modern matron meetings

⁴ This assent will be reviewed by the Equality and Diversity/Human Rights group

Human Rights

When developing any policies, policy writers should ask themselves 'does the policy engage/restrict anyone's Human Rights?'

What is the Convention of Human Rights?	There are 16 basic rights in the Human Rights Act, all taken from the European Convention on Human Rights. There are 3 types of rights detailed as follows	
	Absolute- cannot opt out of these rights under any circumstance- cannot be balanced against any public interest	<ul style="list-style-type: none"> - Right to life - Prohibition of torture - Prohibition of slavery and forced labour - No punishment without law - Right to free elections - Right to marry - Abolition of the death penalty
	Limited- these rights are subject to predetermined exceptions	<ul style="list-style-type: none"> - Right to liberty and security - Right to a fair trial
	Qualified- these rights can be challenged in order to protect the rights of other people	<ul style="list-style-type: none"> - Respect for private and family life - Right to Freedom of thought, conscience and religion - Freedom of expression - Freedom of assembly and association - Prohibition of discrimination - Protection of property - Right to education
Where can I get more information about this?	<p>More details can be found at the Department of Constitutional Affairs (DCA) http://www.dca.gov.uk/peoples-rights/human-rights/publications.htm <u>Publications</u> DCA (Oct 2006) Human rights human lives – a handbook for public authorities, crown copyright DCA (Oct 2006) Making sense of human rights – a short introduction, crown copyright DCA (Oct 2006) A Guide to the Human Rights Act 1998, crown copyright</p>	
What should I do if I suspect my policy affects anyone's Human Rights?	You should forward for discussion at CWPwide Equality and Diversity and Human Rights Group within CWP- contact Director of Operations, executive lead for Equality & Diversity and Human Rights in CWP board offices.	

Please tick one of the following

The above has been considered and to the best of my knowledge my policy does not affect any of the human rights listed	✓
The above has been considered and my policy does affect a human right article(s) but this has been discussed and 'qualified' at Trust Equality and Diversity and Human Rights Group	