



# Substance Misuse Policy



## Did you print this document yourself?

The Trust discourages the retention of hard copies of policies and can only guarantee that the policy on the Trust website is the most up-to-date version. **If, for exceptional reasons, you need to print a policy off, it is only valid for 24 hours.**

Executive Sponsor:	Zoe Lintin, Chief People Officer
Author/reviewer: (this version)	Adam Evans, People Business Partner
Date written/revised:	October 2022
Approved by:	Policy Formulation Group
Date of approval:	October 2022
Date issued:	February 2023
Next review date:	October 2025
Target audience:	Trust-wide

**Amendment Form**

<b>Version</b>	<b>Date Issued</b>	<b>Brief Summary of Changes</b>	<b>Author</b>
V.1		<ul style="list-style-type: none"><li>• New policy – read in full</li><li>• Split from Health and Wellbeing policy</li><li>• Explicitly states in section 4 that the trust takes a zero tolerance stance on the consumption of alcohol and the misuse of drugs</li><li>• Added consent form and abstinence form as appendices instead of links</li><li>• Included symptom guidance in the policy</li><li>• Added into section 5.6 the Trusts stance when testing colleagues</li></ul>	

**Contents**

- 1. INTRODUCTION ..... 4**
- 2. PURPOSE ..... 4**
- 3. DUTIES & RESPONSIBILITIES ..... 4**
  - 3.1 Employees ..... 4**
  - 3.2 Management..... 4**
  - 3.3 People Business Teams..... 5**
  - 3.4 Occupational Health..... 5**
- 4. PROCEDURE ..... 5**
  - 4.1 Disciplinary Action ..... 5**
  - 4.2 Available Help and Support ..... 5**
  - 4.3 Actions for Managers and Supervisors ..... 6**
  - 4.4 Symptoms and effects of alcohol and drug misuse ..... 7**
  - 4.5 Purpose of For Cause Testing ..... 7**
  - 4.6 For Cause Testing - Alcohol..... 8**
  - 4.7 For Cause Testing - Drugs ..... 8**
  - 4.8 Prescribed Medicines..... 9**
  - 4.9 Trust Position on Alcohol and Drugs at Work ..... 9**
- 5. TRAINING/SUPPORT ..... 10**
- 6. MONITORING COMPLIANCE WITH THE PROCEDURAL DOCUMENT..... 10**
- 7. DEFINITIONS ..... 11**
- 8. EQUALITY IMPACT ASSESSMENT ..... 11**
- 9. ASSOCIATED TRUST PROCEDURAL DOCUMENTS..... 12**
- 10. DATA PROTECTION ..... 12**
- 11. REFERENCES ..... 12**
- APPENDIX 1 – WARNING SIGNS ..... 13**
- APPENDIX 2 – CONSENT TO TESTING FORM ..... 14**
- APPENDIX 3 – DRUGS AND ALCOHOL AGREEMENT ..... 15**
- APPENDIX 4 – SYNLAB TESTING FLOW CHART..... 17**
- APPENDIX 5 - EQUALITY IMPACT ASSESSMENT PART 1 INITIAL SCREENING..... 18**

## 1. INTRODUCTION

Our staff are essential to the continuing success of Doncaster and Bassetlaw Teaching Hospitals NHS Foundation Trust (DBTH) and the safe provision of services to our patients. The Trust has legal obligations under the Health and Safety at work Act 1974, the Transport and Works Act 1992 and the Misuse of Drugs Act 1971, to ensure that colleagues and patients are safe. This is due to a clear link between the misuse of alcohol and drugs and reduced safety and efficiency. The intention of this policy is to be used as guidance for managers and colleagues, and does not confer any contractual rights on individuals.

## 2. PURPOSE

The purpose of this policy is to ensure that there is a clear, consistent and fair approach to how the organisation handles the misuse of alcohol, drugs and other substances. A procedure has also been outlined, whereby colleagues with an alcohol, drug or substance abuse problem can seek help in confidence. Below, guidance is also provided on the symptoms and effects of alcohol, drugs and substance misuse.

This guidance applies to all employees, contractors, agency staff and everyone working in the confines of the Trusts activities, whether inside or outside work premises

## 3. DUTIES & RESPONSIBILITIES

### 3.1 Employees

It is the responsibility of all members of staff to be familiar with this policy and to take ownership of their actions and life choices, and to encourage staff members who may have substance misuse problems to seek help voluntarily.

### 3.2 Management

Management should be sufficiently familiar with this policy and be able to recognise the signs and symptoms of substance misuse, and know how and when to obtain further advice. See Appendix 1 – Warning signs that may indicate substance misuse. Managers should be alert to and monitor changes in work attendance and patterns, and undertake work performance interviews where required. Behaviours, attendance and performance of employees who have undergone a recovery programme should still be reviewed to ensure they are receiving the best support possible.

### 3.3 People Business Teams

Support should be sought from the People Business Teams in the first instance with regards to requesting alcohol or drug testing for employees, such testing should only be carried out where this course of action can be justified. The People Business Teams and management should agree a course of action following the receipt of any drug or alcohol test results.

### 3.4 Occupational Health

It is the responsibility of Occupational Health to raise awareness of substance misuse problems, and encourage early identification of individuals in need of help, and to offer guidance to managers if requested.

## 4. PROCEDURE

### 4.1 Disciplinary Action

If an employee contravenes the responsibilities indicated above, this will be dealt with under the disciplinary procedure. However, The Trust can suspend the disciplinary procedure for a reasonable period, pending investigation of whether the employee has a medical problem amenable to treatment and if so, for that treatment or other support to be undertaken. The suspension of the disciplinary procedure will depend on the following factors:

- The nature of the alleged offence
- Any evidence that the employee may have a health related problem
- The employees willingness to accept support and be treated

Employees who decline to undergo appropriate treatment, or who discontinue treatment before its satisfactory completion, will be subject to a review of their circumstances and reminded that should they not engage with any assistance provided this may result in the normal disciplinary procedure being undertaken.

### 4.2 Available Help and Support

The Trust will endeavour to ensure that advice and specialist help are made available to any employees who feel they have a problem with alcohol or drug misuse. An employee who seeks the assistance of the Trust in finding treatment for an alcohol or drug problem will be treated confidentially.

Early identification and treatment is essential if problems are to be avoided. Employees who feel they have a problem are encouraged to seek assistance and approach their immediate manager, the occupational health and wellbeing service, the Vivup Employee Assistance

Service or People Business Partner to seek support and assistance for treatment and rehabilitation.

During any period of absence from work for agreed treatment, normal sick pay arrangements will apply and be treated as disability related sickness.

In the event of an employee not co-operating or achieving a successful agreed or recommended course of action, lapses in performance, conduct or attendance will be subject to a review of their circumstances and reminded that should they not engage with any assistance provided this may result in their case being dealt with through the normal disciplinary, sickness absence or capability procedures as appropriate. This includes any matter arising before suspension or disciplinary procedures.

Employees who are concerned that a colleague is exhibiting symptoms or believes that an employee has over-indulged with alcohol or taken drugs should notify their manager or supervisor. Their comments will be handled in the strictest confidence. Employees making false accusations in bad faith will be subject to appropriate disciplinary action that could include dismissal.

### **4.3 Actions for Managers and Supervisors**

Accurate records of instances of poor performance or other problems that might be related to drugs or alcohol problems should be kept.

Managers may need to take immediate action to stop the member of staff putting themselves or others at risk. This could include sending the employee home until they have recovered, or preventing the employee from starting their shift. Managers should be aware of the possibility that an employee may attempt to drive home and try to prevent this (for example by sending them home in a taxi). Any discussion of the incident may be best left until the employee is no longer displaying signs of intoxication.

Where a manager suspects an employee might have a problem with alcohol or drug misuse that is affecting their work performance as opposed to suspecting the employee of being guilty of a single instance of alcohol or drug related misconduct, the manager will initially hold a discussion with the employee to sensitively and compassionately ascertain whether their poor performance is health related and offer assistance and consider a referral to the occupational health and wellbeing service.

If the employee does not accept this offer of assistance, they should be advised to discuss the matter with either a colleague, staff side/trade union representative or family member. If the employee then fails to accept the offer of assistance, their performance, conduct or attendance will be dealt with in accordance with the Trusts normal disciplinary, sickness absence, or capability procedures as appropriate. If the employee accepts the offer, suitable support will be arranged as necessary, which may include an abstinence agreement (appendix 3)

If a manager believes that a staff member has attended work whilst under the influence of drugs and/or alcohol, the manager can ask for the colleague to submit to a drugs and alcohol test. Management should contact Occupational Health or the People Business teams, for the contact details for SynLabs and the security pin to arrange for a test, within normal working hours. Outside of normal working hours the manager on call should be contacted.

#### 4.4 Symptoms and effects of alcohol and drug misuse

Some of the features that could be associated with alcohol or substance misuse are as follows. Please note that none of these is indicative of substance use but taken together as a cluster may indicate changes in the wellbeing and behaviour of a previously productive employee.

##### Performance

- Difficulties in concentrating at work
- Varying and sporadic quality of work
- Increased number of mistakes and worsening of decision-making ability
- Late arrival for work or high rates of absenteeism especially on Mondays and Fridays
- Early departures from workplace and increased rates of sick leave

##### Behaviour and Appearance

- Sudden changes in behaviour, irritability, moodiness
- Borrowing money from co-workers, arguing with colleagues
- May appear dishevelled or there may be a marked change in appearance
- Difficulty in respecting hierarchy within the Trust

##### Safety Hazards

- Person may show an increase in involvement in accidents
- Carelessness in handling hazardous materials or dangerous equipment.

#### 4.5 Purpose of For Cause Testing

This provides evidence that corroborates the manager's belief that the employee is intoxicated by alcohol or drugs. If the employee admits to being intoxicated or is believed, on reasonable grounds, to have contravened another rule, such as possessing illegal drugs on Doncaster & Bassetlaw Teaching Hospital premises, it may not be necessary to resort to the testing procedure. This admission would be considered as part of a full investigation into the incident.

#### 4.6 For Cause Testing - Alcohol

If the manager has reason to believe that an employee is under the influence of alcohol at work, the employee will be removed immediately from duty with pay and instructed to wait in a suitable confidential area. The manager will explain to the employee the nature of the test for alcohol and the possible consequences for the employee's employment if the test is positive.

The employee will be invited to sign a test consent form (see appendix 1). The manager will arrange for a breathalyser test to take place by contacting the Trusts sub contracted Drug and Alcohol Test Provider. The consent form will be sent immediately to the test provider (see appendix 1).

A qualified person from the test provider will administer the breath test as soon as practicable. Refusal to consent to testing or to supply a sample of breath for testing may constitute a disciplinary offence, reasons for refusal will be considered before a decision is made to follow the disciplinary procedure.

If the test is positive (a breath alcohol concentration of over 35mcg/100ml in line with the driving threshold, which the Trust would consider a positive test) the test will be repeated. If the second test is also positive, the employee will be suspended with pay pending disciplinary proceedings, which could potentially lead to dismissal.

If the test result shows a breath alcohol content below 35mcg/100ml but above zero, management will ascertain whether there are any extenuating circumstances to explain the breath test, such as an undisclosed health condition. If no circumstances are ascertained the Trust will make the decision whether to allow the employee to return to normal work duties after considering if patient safety or other work is likely to be affected by their consumption of alcohol, and subsequent behaviour. If they are not deemed fit to return to normal work duties they will either be deployed to other work or suspended from duty. The employee will be paid their normal basic rate for work that day. Depending on the circumstances action may be initiated under the disciplinary procedure, which could lead to a sanction.

If an employee wishes to challenge the accuracy of the breath test, they can request a blood or urine test instead.

#### 4.7 For Cause Testing - Drugs

Where the manager has reason to believe that an employee is intoxicated and unfit because of drug misuse at work, the employee will be removed immediately from duty with pay and required to wait in a suitable confidential area with access to appropriate toilet facilities. The manager will explain to the employee the nature of the drugs test and possible consequences for the employees' employment if the test is positive.

The Trust will continue with drugs testing regardless of whether the employee admits to taking substances before or whilst at work.

The employee will be asked to sign a consent form (Appendix 2). A qualified person from the test provider will carry out the test as soon as practicable. The employee will be required to provide a sample of urine for the test. Refusal to sign a testing consent form or provide a sample of urine for testing may constitute a disciplinary offence. Reasons for refusal will be considered before a decision is made to follow the disciplinary procedure.

While the test results are awaited, the employee will be suspended on full pay. Once results have been received, any suspensions will be reviewed to ensure the resumption of safe working practices with the support of appropriate work place risk assessments. If the test is positive for any illegal drug, this will lead to disciplinary proceedings against the employee, which could lead to a possible dismissal.

#### **4.8 Prescribed Medicines**

Some Prescribed or over-the-counter medicines might cause impairment to an individual's performance at work, or provide a false positive on tests. Individuals should seek advice from their GP or pharmacist on any medicines they are taking. Staff should inform their manager of any possible side effects of their medication if they feel this will impact on their ability to work. Advice can be sought from Occupational Health if necessary.

Some over the counter medications can also produce a false positive, or may cause an adverse reaction. Therefore, questions asked of colleagues should first ascertain where they are currently taking any medications. It should not be assumed that an individual who may be taking these has a substance misuse issue.

Some staff will have access to prescribed drugs through their work – in some cases, this will include controlled drugs such as morphine. Misuse of these drugs will be both a disciplinary matter for the employee, an issue for their regulatory body and the police.

#### **4.9 Trust Position on Alcohol and Drugs at Work**

Doncaster & Bassetlaw Teaching Hospitals has a zero tolerance approach to employees attending work under the influence of alcohol or whilst misusing drugs. This will help to ensure the health and safety of employees, colleagues, patients and others with whom they come into contact with, to maintain safe, efficient and effective operation of the Trust and ensure the quality of service they require is received.

For these reasons the following rules will be strictly enforced:

- No employee, contractor or agency worker shall attend or try to work when unfit because of alcohol, drugs (whether illegal or not) or substance abuse. (Whether an employee is fit for work is a matter for the reasonable opinion of management).
- No employee contractor or agency worker shall be in possession of alcohol or illegal drugs in the workplace

- No employee contractor or agency worker shall consume alcohol or illegal drugs, or abuse any substance, whilst at work.
- Subject to any consequences, employees can consume alcohol at organisational functions where such consumption has been authorised by senior management. Such functions will be arranged at times so that the employee does not have to return to work having recently consumed alcohol. This exception to the normal rule does not excuse drinking to excess or so as to create a safety risk.

Contravention of these rules is a serious matter, and the Trust will take disciplinary action, up to and potentially including dismissal, in the event of infringement. In addition, possession of or dealing in illegal drugs on the premises will, without exception, be reported to the police.

## 5. TRAINING/SUPPORT

Support for the implementation of this policy can be sought from Senior Management and the People Business Teams within the People and Organisational Development Directorate.

## 6. MONITORING COMPLIANCE WITH THE PROCEDURAL DOCUMENT

What is being monitored?	Who will carry out the monitoring?	How Often?	How Reviewed/Who reported to?
The individual that has signed an abstinence agreement will be monitored within the constraints of the agreement (performance, behaviour, attendance, substance testing)	The Line Manager will monitor with support from their people business team and in some cases the Occupational Health team.	Dependent on the signed agreement.	The Abstinence agreement will be reviewed face to face by the manager and individual. Any shortfalls will be escalated through the appropriate procedure (including disciplinary, performance, sickness absence, capability)

## 7. DEFINITIONS

Drugs and Alcohol form	An Agreement between a colleague and their manager, where the colleague agrees to abstain from something for health and work reasons e.g. alcohol
Consent form	A consent form is a document which carries information about a particular project, or an event, and seeks a participant's consent or permission for carrying it out.
Illegal drug	Illegal drugs are drugs which have limitations on their ownership or use by a government, and are illegal in certain situations (meaning a person is not allowed to have them).
Substance abuse/misuse Need to add: alcohol abuse Under the influence intoxicated	Substance abuse, also known as drug abuse, is a patterned use of a drug in which the user consumes the substance in amounts or with methods which are harmful to themselves or others, and is a form of substance-related disorder.
Alcohol abuse/misuse	Alcohol misuse is when you drink in a way that is harmful, or when someone is dependent on alcohol.
Under the influence	The phrase "under the influence" refers to impairment, to any degree, of an individual's ability to safely perform the activity in question as a result of the use of alcohol, drugs, or a combination of both
Intoxicated/intoxication	Similar to under the influence, this is when an individual is affected by alcohol or drugs to the point where physical and/or mental control is markedly diminished

## 8. EQUALITY IMPACT ASSESSMENT

The Trust aims to design and implement services, policies and measures that meet the diverse needs of our service, population and workforce, ensuring that none are disadvantaged over others. Our objectives and responsibilities relating to equality and diversity are outlined within our equality schemes. When considering the needs and assessing the impact of a procedural document any discriminatory factors must be identified.

An Equality Impact Assessment (EIA) has been conducted on this procedural document in line with the principles of the Equality Analysis Policy (CORP/EMP 27) and the Fair Treatment For All Policy (CORP/EMP 4).

The purpose of the EIA is to minimise and if possible remove any disproportionate impact on employees on the grounds of race, sex, disability, age, sexual orientation or religious belief. No detriment was identified. (See Appendix 3)

## 9. ASSOCIATED TRUST PROCEDURAL DOCUMENTS

DISCIPLINARY POLICY

CAPABILITY POLICY

SICKNESS ABSENCE POLICY

EQUALITY ANALYSIS POLICY

FAIR TREATMENT FOR ALL POLICY

HEALTH & WELLBEING POLICY

## 10. DATA PROTECTION

Any personal data processing associated with this policy will be carried out under 'Current data protection legislation' as in the Data Protection Act 2018 and the General Data Protection Regulation (GDPR) 2016).

For further information on data processing carried out by the trust, please refer to our Privacy Notices and other information which you can find on the trust website:

<https://www.dbth.nhs.uk/about-us/our-publications/uk-data-protection-legislation-eu-general-data-protection-regulation-gdpr/>

## 11. REFERENCES

Health & Safety at Work Act 1974

Transport & Works Act 1992

Misuse of Drugs Act 1971

## APPENDIX 1 – WARNING SIGNS

### WARNING SIGNS THAT MAY INDICATE MISUSE OF SUBSTANCES

- Frequent lateness or high rates of absenteeism especially on Mondays and Fridays.
- Repeated brief periods of absence for trivial or inadequate reasons, impaired concentration and memory.
- Smelling of drink or under the influence of drink during working hours.
- Uncertified or certified absenteeism, particularly related to weekends, holidays etc.
- Mood changes, irritability, lethargy.
- Accident-prone, minor accidents at work and away from work, mistakes, errors of judgement.
- Varying and sporadic quality of work.
- Carelessness in handling hazardous materials or dangerous equipment.
- Deterioration in relationships with fellow workers, borrowing money etc.
- Difficulty in respecting hierarchy within the organisation.
- Hand tremors, slurred speech, facial flushing, bleary eyes, poor personal hygiene etc.

**APPENDIX 2 – CONSENT TO TESTING FORM**

**Template – Consent to testing form**

**Date:**

**Name:**

**Address:**

Re: Consent form

By signing this form I hereby give my consent to authorise my employer known as Doncaster and Bassetlaw Teaching Hospitals NHS Foundation Trust and the designated testing laboratory to conduct analytical tests deemed necessary, to determine the presence or absence of drugs and/or alcohol in my body through the use of urine, hair, blood or breath testing or any sample as specified.

I give consent to release the results of the test(s) and other medical information from the laboratory to my employer.

My employer may request proof that I am taking a controlled substance as directed. If requested, I agree to provide such proof within 72 hours.

I have the right to a re-test of the initial specimen at the licensed laboratory if the test proves to be positive.

I further understand that a positive test, refusal to authorise this form, refusal to take this test, or failure to produce a specimen, may result in disciplinary action up to and including dismissal in accordance with Trust policy.

**Employee Signature** ..... **Print** .....

**Date** .....

**APPENDIX 3 – DRUGS AND ALCOHOL AGREEMENT****Template - Return to work abstinence agreement**

**[Date]**

**[Name]**

**[Address]**

Re: Drug and alcohol agreement

Following our discussion on **[date]**, I am writing to confirm that I have been advised by Occupational Health that you are now ready to commence a phased return to normal duties. It is proposed that you should return to work:

On **[date]**

As **[job title]**

And in line with the following agreement which will remain in force until **[date]**

Not to drink alcohol/ take drugs at a level that is likely to interfere with your health or performance at work. Please note our Occupational Health Physician has advised total abstinence for the duration of this agreement (delete if not applicable).

To keep all regular medical appointments and comply with any treatment regimes and/or care programmes as recommended.

To undergo periodic drug and/or alcohol tests at the request of, and arrangement by, Management or Human Resources using an independent testing agency. This testing will be unannounced and will take place in the work place during a normal working day.

Not to behave in a manner that could lead to the suspicion that you have re-commenced the misuse of alcohol or drugs.

Before the end of this agreement, I will meet to review your progress and may decide to extend the period of this return to work agreement. If so, I will notify you in writing and provide you with the reasons for my decision.

Please note failure to comply with this agreement will be notified to Human Resources and could lead to disciplinary action.

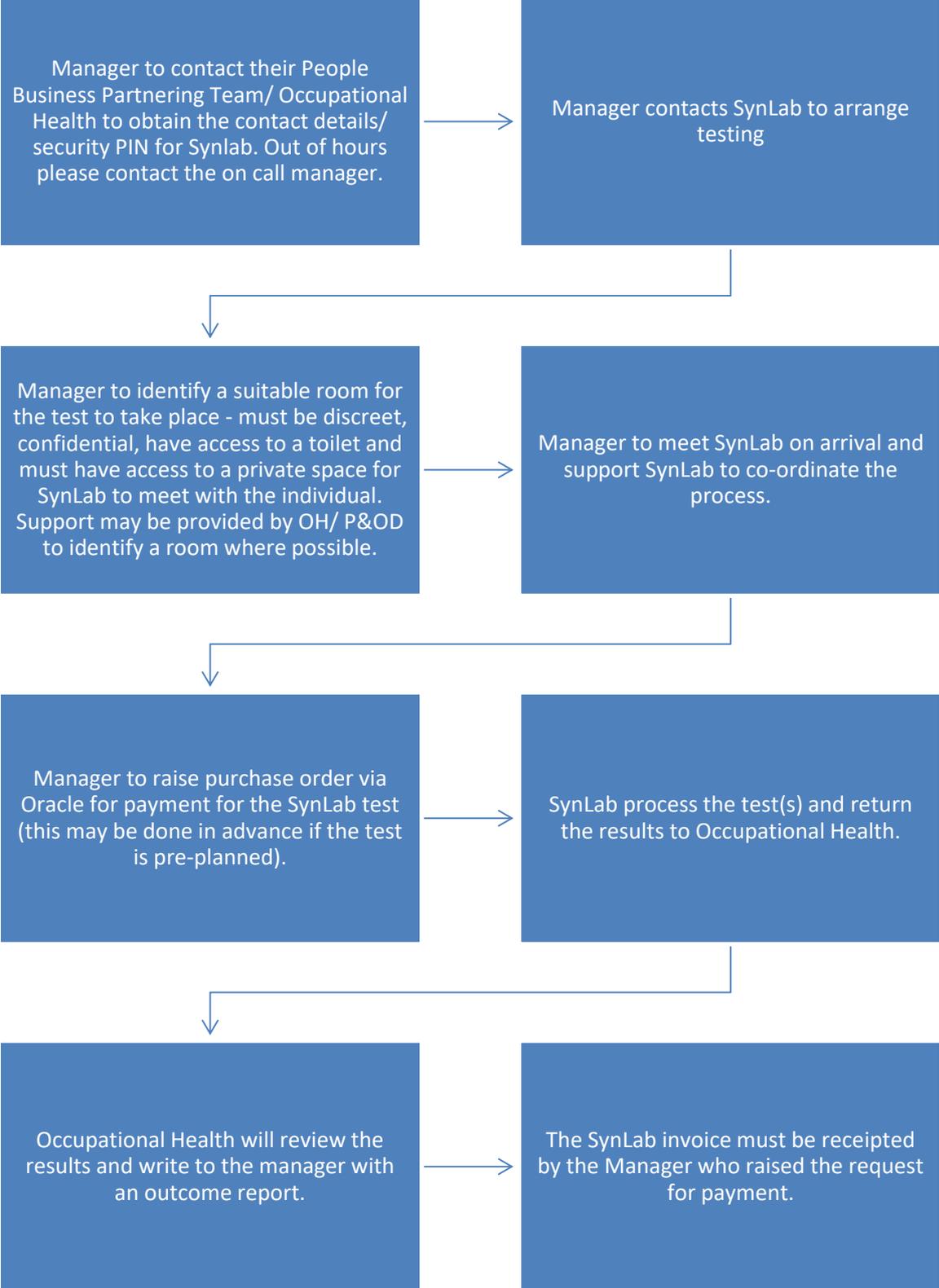
This form should be completed in the presence of all relevant parties. A copy should be given to the staff member and one kept in their personal file.

Signed by:

Employee .....

Manager .....

**APPENDIX 4 – SYNLAB TESTING FLOW CHART**



**APPENDIX 5 - EQUALITY IMPACT ASSESSMENT PART 1 INITIAL SCREENING**

Service/Function/Policy/Project/Strategy	CSU/Executive Directorate and Department	Assessor (s)	New or Existing Service or Policy?	Date of Assessment
CORP/EMP SUBSTANCE MISUSE POLICY	P&OD	Adam Evans	New Policy	February 2023
<b>1) Who is responsible for this policy?</b> P&OD				
<b>2) Describe the purpose of the service / function / policy / project/ strategy?</b> All Trust employees				
<b>3) Are there any associated objectives?</b> Yes, Health and Safety at work Act 1974, The Transport and Works Act 1992 and The Misuse of Drugs Act 1971.				
<b>4) What factors contribute or detract from achieving intended outcomes?</b> – Non-compliance with policy				
<b>5) Does the policy have an impact in terms of age, race, disability, gender, gender reassignment, sexual orientation, marriage/civil partnership, maternity/pregnancy and religion/belief?</b> No				
<ul style="list-style-type: none"> <li>• If yes, please describe current or planned activities to address the impact N/A</li> </ul>				
<b>6) Is there any scope for new measures which would promote equality?</b> N/A				
<b>7) Are any of the following groups adversely affected by the policy?</b> No				
<b>Protected Characteristics</b>	<b>Affected?</b>	<b>Impact</b>		
a) Age	No			
b) Disability	No			
c) Gender	No			
d) Gender Reassignment	No			
e) Marriage/Civil Partnership	No			
f) Maternity/Pregnancy	No			
g) Race	No			
h) Religion/Belief	No			
i) Sexual Orientation	No			
<b>8) Provide the Equality Rating of the service / function /policy / project / strategy – tick (✓) outcome box</b>				
<b>Outcome 1</b> ✓	<b>Outcome 2</b>	<b>Outcome 3</b>	<b>Outcome 4</b>	
<small>*If you have rated the policy as having an outcome of 2, 3 or 4, it is necessary to carry out a detailed assessment and complete a Detailed Equality Analysis form</small>				
<b>Date for next review:</b>		<b>February 2023</b>		
<b>Checked by:</b>		<b>Ashish Kaushik</b>		
		<b>Date: February 2023</b>		