

Drugs and Alcohol Procedure

SA/19

PN: 011

Purpose

As a responsible employer, we have a moral and legal duty to provide a safe, healthy and productive working environment for our employees, customers, subcontractors and visitors, which is free from alcohol and drug misuse.

The Group will not accept employees arriving at work under the influence of alcohol or drugs, and/ or whose ability to work is impaired in any way by reason of the consumption of alcohol or drugs, and/ or who consume alcohol or take drugs (other than prescription or over the counter medication as directed) on our premises. The use of drugs also includes the use of “legal highs” or psychoactive drugs, which are legal substances that have the effect of illegal drugs. This will help to ensure the health and safety of all employees and others with whom they come into contact with.

Scope

The procedure applies to all ateb housing, West Wales Care & Repair and Mill Bay Homes employees, contractors, agency workers, volunteers and work experience employed in/working with the business (“the Group”).

Please note that, for the avoidance of doubt, this policy is non-contractual and therefore we may amend this policy from time to time at our discretion.

Employees who have an alcohol or drug-related problem are entitled to the same rights of confidentiality and support as if they had any other medical or psychological condition. The Group will assist and support employees who ask for assistance with problems that are associated with alcohol, drugs or substance misuse, subject to the employee reporting it to the People Team at the earliest opportunity and, at the same time, recognising responsibility for their own health and safety and that of others.

The Group aims to ensure that employees are given every opportunity to seek help and advice in a manner which is supportive, sympathetic, and fair. This will be provided at the earliest stage so that their medical conditions can be treated with the utmost urgency and confidentiality.

No disciplinary action for alcohol, drug or substance misuse will be taken against employees who seek help from their employer, unless other matters of discipline are involved in accordance with our Disciplinary Procedure, or for matters which may damage our reputation. Employees need to be aware that they must continue to follow the code of conduct and comply with all other policies and procedures.

Employees with an alcohol or drug problem will be given ample opportunity to seek help from their GP or specialist agency.

Where the effects of drugs or alcohol mean that an employee is unfit or unsuitable to resume the same job during or following treatment, medical advice will be sought and where possible, every effort will be made to find suitable alternative employment. Please refer to the Group's Capability Procedure for further information.

The Misuse of Drugs Act 1971 makes production, supply, and possession of controlled drugs unlawful except in specified circumstances (for example, when they have been prescribed for that person by a doctor). It also makes it an offence for the Group to knowingly allow the production, supply, or consumption of controlled substances in the workplace. If an employee is found in possession of illegal drugs in the workplace, or is found to be trafficking drugs, it will be considered gross misconduct and dealt with by the Group under its Disciplinary Procedure; and as a criminal offence whereby the police will be notified.

Substance abuse is divided into three main categories:

- Alcohol dependence / impairment.
- Taking or possessing illegal drugs, (i.e. controlled under the Misuse of Drugs act 1971).
- Solvent abuse (inhalation of glues and gases).

In relation to drugs, these rules apply to those that are unlawful or illegal under the criminal law and not to prescribed medication.

For the purposes of the procedure positive results, as shown below, constitute a summary breach:

- Test positive for illegal or illicit drugs above the UK & European Workplace Drug Testing guidelines.
- Evidence of solvent abuse.
- A level of alcohol exceeding the UK drink-drive limit which is more than 0.80% Blood Alcohol Content (BAC) - 80 milligrams of alcohol in 100 millilitres of blood or equivalent measure in breath.

The Group reserves the right to review the provisions outlined above on an ongoing basis and will consult over changes if required (e.g. if legislation changes).

Definitions

Alcohol problem: An alcohol problem is defined as any drinking, either intermittent or continual which interferes with a person's health and/or social functioning and/or work capability or conduct.

Drugs: Any drug, whether illegal, prescribed or over the counter or solvents such as glue, butane, etc. In the case of prescribed and over the counter drugs, their possession and use by the employee is acknowledged as legitimate, and the employee has notified their Line Manager/ contact if the prescribed / over the counter drugs could affect their work performance.

Drug problem: The use of illegal drugs, the deliberate use of prescribed or over the counter drugs (when not for a medical condition) and the use of solvents, either intermittent or continual which interferes with a person's health and/or social functioning and/or work capability or conduct.

Alcohol/Drug and substance misuse: or the purpose of this procedure, is defined as the intermittent or continual use of alcohol, any drug or other substance which causes detriment to the individual's health, social functioning, or work performance, and which may affect efficiency, productivity, safety, attendance, time keeping or conduct in the workplace. This includes all substances covered by the Psychoactive Substances Act 2016.

Responsibilities

Board

To have assurance that the Group have a commitment to the promotion of a healthy lifestyle and that adequate resource is available for the implementation of this procedure.

Chief Executive

The Chief Executive shall be responsible for the overall implementation of this Drugs and Alcohol Procedure by ensuring adequate resources are made available to both develop and implement this procedure.

Directors

Ensuring time and, where necessary, budget is allocated to support the implementation of this procedure.

Health and Safety Advisor

- Providing advice and guidance where necessary.

Managers

- Day-to-day application of the procedure is the responsibility of all managers.
- Ensure that employees in their charge are made aware of this procedure and ensure it is fully implemented.
- Provide employees with support and adjustment to facilitate recovery as far as reasonably practical following an employee's request, advice from Occupational Health and/or the People Team.
- Send home an individual immediately where there is a reasonable belief that they are under the influence of alcohol or drugs on reporting for work, or during the course of work (for example if there was a strong smell of alcohol on the employee's breath).

- Should managers have any concerns about any employee, they have a duty to inform their line manager or the People Team without delay.

Employees

- Adhere to the standards set out in this procedure.

Procedure

Prohibition on Alcohol and Drug Consumption in the Workplace

Social drinking after normal working hours and away from the Group's premises is generally a personal matter and does not directly concern the Group, our concern only arises when, because of the pattern or amount of drink involved, the employee's attendance, efficiency, performance or conduct at work deteriorates as a result.

No alcohol or drugs must be brought onto or consumed on the Group's premises at any time or whilst attending any training courses, whether internal or external, unless they have been medically prescribed by a doctor and the employee has notified their Line Manager/ contact if the prescribed medication could affect their work performance. Employees must also not drink alcohol or take drugs whilst they are "on call".

Employees representing the Group at business/client functions or conferences or attending the Group's organised social events outside normal working hours are expected to demonstrate reasonable behaviour and act in a way which will not have a detrimental effect on our reputation. These events are considered to be an extension of work and therefore the Group's policies and procedure still apply.

Employees must comply with drink-driving laws and drug-driving laws at all times. Conviction for drink-driving or drug-driving may harm our reputation and, if the employee's job requires them to drive, they may be unable to continue to do their job. Committing a drink-driving or drug-driving offence whilst working for us or outside working hours will not be permitted.

A breach of these provisions is a disciplinary offence and will be dealt with in accordance with the Group's Disciplinary Procedure. Depending on the seriousness of the offence, it may amount to gross misconduct and could result in the employee's summary dismissal.

Searches

The Group reserves the right to carry out searches for alcohol or drugs on our premises. These searches may be random and do not imply suspicion of wrongdoing or that there has been misconduct. If practicable they may be accompanied by a third party. These may include, but are not limited to, searches of employee's

pockets, lockers, filing cabinets, desks, bags, clothing, packages and vehicles.

Whilst employees have the right to refuse to be searched, such refusal may constitute a breach of contract, which could result in their dismissal.

Any alcohol or drugs found as a result of a search will be confiscated, and action may be taken under our Disciplinary Procedure.

Alcohol and Drug Related Misconduct

Action will be taken under the Group's Disciplinary Procedure if misconduct takes place at work as a result of drinking or taking drugs, or if an employee is found to be under the influence of alcohol or drugs whilst at work, and this includes when driving private or ateb vehicles on the Group's business.

Code of Conduct

It is a condition of employment to comply with the Group's Drugs and Alcohol Procedure. All employees, agency workers, contractors, volunteers, and work experience individuals must:

- Inform their Line Manager/main contact, if they suspect another employee is under the influence of alcohol or drugs whilst engaged in a Group activity that could result in an accident or danger to themselves, other employees, or tenants.
- Ensuring their own behaviour and work performance remain appropriate whilst engaged in Group activity and is not affected by excessive alcohol consumption or substance misuse.
- Ensure they minimise the risk of any kind of harm to themselves and colleagues arising from their actions.
- Seek professional help at an early stage to avoid the problem worsening if they suspect, or know, that they have an alcohol, or substance-related problem.
- Not be under the influence of alcohol or drugs whilst engaged in any Group activity.
- Not bring or use illegal substances on Group premises under any circumstances.
- Not drink alcohol during/before working/on - call hours.
- Not consistently smell of alcohol/drugs during working/on-call hours.
- Notify their Line Manager/ contact if they are taking prescribed medication that could affect their ability to work safely.
- Be fit for work when commencing duty.
- Be aware of their own tolerance to alcohol as well as the effects on them of any drug they use.
- Be aware of drinking guidelines (e.g.: a person's body rids itself of 1 unit of alcohol per hour).
- Be aware of their own working patterns and regulate their drinking habits accordingly.

- Not use a controlled drug, which includes prescribed drugs that are not prescribed for that individual.
- Not drive any of the Group's vehicles/their own vehicle or operate safety critical equipment after taking alcohol or drugs, which may affect the capacity to operate safely (unless advised by a Medical Practitioner or a Pharmacist).
- Not dispense, distribute, possess, use, sell or offer to sell any controlled drug at work. Any such activity (including reasonable suspicion of it taking place) on the Group's property or premises will be reported to the Police.

They must:

- Not misuse drugs at any time when working or before work where the effects will impact on their ability to undertake their role safely.
- Inform any Medical Practitioner, or Pharmacist dispensing medicine, if their job involves driving a vehicle or operating equipment.
- Ensure that any medications they are taking does not affect the health and safety of themselves or their colleagues whilst engaged on the operations of the business. If it does, they should request an alternative.
- Inform their line manager of any prescribed treatments or over-the-counter treatments they are currently taking that might affect their capacity to undertake their duties safely and effectively in the workplace.
- Inform their line manager if they have any doubts as to the effects of any prescribed treatments or over-the-counter treatments they are currently taking, so that appropriate medical advice can be sought.

Support and Treatment – Voluntary Referral

When an employee acknowledges that they have an alcohol or substance-related problem, they should speak to their Line Manager and a member of the People Team. If it is agreed, an appointment with the Occupational Health Department will be arranged.

Support and Treatment – Management Referral

A Line Manager should seek guidance from the People Team if they suspect an employee is under the influence of alcohol or drugs. It is the responsibility of the Line Manager to meet with the employee as soon as possible if behaviour, performance, or absence indicates a possible problem with alcohol or substance misuse.

Where a Line Manager suspects that an employee is under the influence of alcohol or drugs at work, or that their performance is acutely impaired through consumption of alcohol or drugs; guidance should be sought, where practically possible, from the People Team prior to taking action.

The employee should be sent home for the day on full pay due to incapacity. The Line Manager needs to consider whether it is safe for the employee to travel home independently as it may be necessary for them to be accompanied, or for a taxi to be arranged.

The Line Manager should arrange to see the employee the following workday to investigate the incident. If the employee discloses an alcohol or substance misuse problem or if after investigation, the Line Manager considers the abnormal behaviour or poor performance may be due to alcohol or substance misuse, they should contact the People Team who will refer the employee to the Occupational Health Department for assessment.

Referral to Occupational Health Department

If it is confirmed that there is an issue with alcohol or drug dependency, the Occupational Health Department will issue guidance and a suitable programme of help and treatment will be sourced from an appropriate external agency.

If the programme of help requires an extended period of absence from work, the employee's Department Manager will be informed. The employee and manager should then discuss when this leave can be taken, keeping the People Team updated at all times.

Leave will be provided under the provisions of the Absence Management Procedure.

Should there be no requirement for a programme of help and treatment, the employee will be referred back to their Line Manager and, if applicable, the next appropriate stage of the Disciplinary Procedure will be applied.

Relapse

If an employee suffers a relapse after receiving treatment for a dependency on alcohol or drugs, the Group will consider the case on its individual merits. Appropriate advice will be sought on what further treatment will be needed for the employee to fully recover and at the Group's absolute discretion, leave for more treatment or rehabilitation may be granted to aid recovery.

Confidentiality

The Group aims to ensure that the confidentiality of any employee or member of staff experiencing alcohol or drug-related problems is maintained appropriately. However, it must be recognised that in supporting staff, some degree of information sharing is likely to be necessary.

If employees seek help with an alcohol or drug-related problem directly from the People Team or Occupational Health and wish to keep the matter confidential from their line manager or colleagues, this will be respected unless there is a reason to believe that this could put them, their colleagues or anyone else at risk, or carries some other material risk for the business. In those circumstances the People Team will encourage employees to inform their line manager and will give sufficient time to do so before discussing the matter with them.

Disciplinary Measures

Where possible the Group will take a supportive approach, however there may be situations where the circumstances are such that the situation may be dealt with under the provisions of the Disciplinary Procedure immediately, rather than under the Drugs and Alcohol Procedure.

Should an employee refuse to co-operate with the suggested programme of help, or discontinue treatment before its satisfactory completion, or continue to misuse alcohol or drugs during their treatment, they may be subject to disciplinary action under the rules of the Disciplinary Procedure.

Serious or repeated infringement of this procedure may be interpreted as gross misconduct and may result in dismissal.

Employees whose alcohol or drug-related problem comes to light in the course of disciplinary proceedings should be aware that the admission of dependency may be a mitigating factor but will not necessarily result in the suspension of disciplinary action. All cases will be dealt with in the light of prevailing circumstances.

Review

The Safety Committee is responsible for monitoring how this procedure works in practice. The People Team will compile an annual report on the compliance levels.

If employees have concerns about this procedure they can be raised with the People Team.

This procedure will be reviewed in 12 months.

References

The Health & Safety at Work etc Act 1974

The Misuse of Drugs Act 1971

The Transport and Works Act 1992

Psychoactive Substances Act 2016

Regulation 3 of the *Management of Health & Safety at Work Regulations 1999*

Supporting documents

- Grievance Procedure
- Disciplinary Procedure
- Absence Management Procedure

- Capability Procedure
- Vehicle Users Procedure

Support Services

Alcoholics Anonymous
www.alcoholics-anonymous.org.uk
 0800 9177 650
help@aamail.org

Alcoholics Anonymous is a fellowship of men and women who share their experiences to recover from alcoholism

Drinkaware
 0300 123 1100
www.drinkaware.co.uk/advice/support-services/chat-with-an-advisor

Free support online or phone support provided by Drink Aware

DAN
www.dan247.org.uk
 0808 808 2234
 Text DAN to 81066

A free and bilingual telephone helpline providing a single point of contact for anyone in Wales wanting further information or help relating to drugs or alcohol

FRANK
www.talktofrank.com
 0300 123 6600
 Text: 82111
 Live chat 2pm – 6pm

A free confidential telephone, information and advice service for anyone who has a drug problem or is worried about someone who may be using drugs

Narcotics Anonymous
www.ukna.org
 0300 999 1212 (10am – midnight)

A non-profit fellowship or society of men and women for whom drugs had become a major problem.

Signs of Misuse

Signs of alcohol or drug misuse which you might look for include:

- Sudden mood changes.
- Unusual irritability or aggression.
- Tendency to become confused.
- Abnormal fluctuations in concentration and energy.
- Impaired job performance.
- Poor time-keeping.
- Increased short-term sickness absence.
- Deterioration in relationships with colleagues, customers or management.
- Dishonesty and theft (rising from the need to maintain an expensive habit).

Remember: all the signs shown above may be caused by other factors, such as stress, and should be regarded only as indications that an employee may be misusing alcohol or drugs.