



Alcohol and Drug Policy

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The provisions of this policy, which was developed by a partnership group on behalf of Grampian Area Partnership Forum, apply equally to all employees who hold a current contract of employment with NHS Grampian.

**NHS Grampian
Alcohol and Drug Policy**

This document is also available in large print and other formats and languages on request. Please call NHS Grampian Corporate Communications on Aberdeen (01224) 551116 or (01224) 552245.

This Policy has undergone Equality and Diversity Impact Assessment.

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Alcohol and Drug Policy	2	May 2022 - Review date amended given the policy is part of the Once for Scotland Phase II work.	Review date amended to 31 December 2023

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NHS Grampian Alcohol and Drug Policy

1. Introduction

This policy applies to all employees of NHS Grampian and includes contractors and voluntary workers while on NHS Grampian business. It provides guidance for employees, managers and accredited representatives of Trade Unions/Professional Organisations in dealing with workplace issues related to episodes of alcohol and drugs misuse. It should also ensure that NHS Grampian offers a constructive and preventative strategy designed to encourage early identification and support for alcohol and drug related issues among its staff.

Alcohol and drug use can affect personal health, social functioning and can impair work capability. The latter can compromise health and safety to the worker, patients and colleagues, contribute to absenteeism, job accidents, loss of training investment, waste and poor judgement which can affect decision making.

NHS Grampian is committed to offering guidance and early assistance to those faced with an alcohol or drug related problem with the central concern being to help any member of staff whose work performance and/or behaviour is affected.

2. Policy Statement

NHS Grampian prohibits the consumption or use of alcohol or drugs by staff during working hours and scheduled breaks. It is unacceptable for staff at work to be under the influence of drugs, or to demonstrate any sign of alcohol consumption, e.g. staff should not carry the smell of alcohol on their breath.

It is also NHS Grampian's policy that alcohol will not be served and should not be consumed by staff while on NHS Grampian premises or while on NHS Grampian official business.

Any member of staff failing to observe these standards of conduct may be subject to disciplinary action under the relevant NHS Grampian's employee policies including NHS Grampian Employee Conduct Policy or Framework for Support – Suite of Related Policies and Procedures for Medical and Dental Employees (referred to as relevant NHS Grampian employee policies throughout this document). In the instances of contractors' staff, such conduct will be immediately reported to the contractor's management and a request made for their removal from NHS Grampian premises.

Employees who recognise that they have an alcohol or drug related problem are encouraged to seek help and treatment voluntarily either through the procedures outlined in this policy, or through resources of the employee's own choosing, although a self-referral facility to NHS Grampian Occupational Health Service [OHS] is a key part of the policy. [See Sections 7.1 and 7.2]

Consumption of alcohol in residential staff accommodation owned by NHS Grampian is not included in this, but staff who occupy such accommodation should bear in mind their responsibilities as tenants.

3. Aims

NHS Grampian has a duty to consider the health, safety and well being of its staff, patients and contractors and in order to comply with all relevant UK Health and Safety Legislation and European Union Directives [Ref. Health and Safety at Work Act 1974 and Misuse of Drugs Act 1971] and the Driver and vehicle standards Agency, Rule 96 of The Highway Code (updated 2 March 2015).

Therefore the aims of this policy are to:

- Prevent and reduce the frequency of alcohol or drug related work impairment and promote fitness for work and reduce the personal impairment of staff with alcohol or drug related issues in order to promote wellbeing;
- Alert staff to the risks associated with alcohol and drugs;
- Enable employees who recognise that they have an alcohol or drug related problem are encouraged to seek help at an early stage;
- Provide the opportunity for employee referral to an appropriate agency for assessment, counselling or other forms of help, therefore creating a culture where staff feel confident in asking for support and advice;
- Provide management, staff and accredited representatives of Trade Unions/Professional Organisations with support to assist staff with addressing alcohol or drug induced loss of capacity.

4. Scope

- 4.1 The application of this policy and procedure applies to all staff in instances where an alcohol or drug related problem may affect the capability or conduct of the employee in relation to their work. The policy will also apply to employees who, on a random occasion, because of an episode of alcohol and/or drug misuse contravene NHS Grampian Health and Safety policies and guidelines.
- 4.2 Staff using prescription medication/over the counter drugs which may affect their behaviour and/or ability, have a responsibility to inform their line manager and Occupational Health.
- 4.3 Nothing in this policy and procedure is intended to override existing national agreements applying to particular categories of staff, e.g. NHS Circular No

PSC(1982)08 Prevention of harm to patients resulting from physical or mental disability of medical or dental staff relates to Medical and Dental staff.

- 4.4 NHS Grampian wishes to help any employee who has an alcohol, or drug related problem. Support for return to full safe working ability will be provided on a timescale agreed between the employee, the line manager and OHS.

5. General Principles

- 5.1 NHS Grampian recognises that alcohol and drug related problems are areas of health and social concern and will provide access to help for employees who suffer from such issues.

At every stage of this procedure, **all** employees are entitled to be represented by one of the following:

- Trade Union or Professional Organisation representative (including full-time Trade Union Officers);
 - Fellow member of staff; or
 - Friend or relative not acting in a legal capacity.
- 5.2 The possibility of an employee having an alcohol or drug, related problem may be brought to light through health, work performance, behaviour, or through other signs which may lead to action under the appropriate employee conduct procedure. Where a manager identifies a possible problem and the employee acknowledges that a problem exists, NHS Grampian will provide the opportunity for assessment and counselling through OHS.
- 5.3 While NHS Grampian recognises that managers and accredited representatives of Trade Union/Professional Organisations are not qualified to come to conclusions about whether an alcohol, or drug, related problem exists, they do have an important supportive role to play. OHS will undertake the critical role in determining whether a problem exists and what help is appropriate. Where necessary, OHS staff will seek assistance from outside agencies.
- 5.4 In all instances, the encouragement or the offer of an opportunity to seek and accept help and treatment is made on the clear understanding that:
- Where necessary, the employee will be granted leave to undergo treatment and such leave will be treated as sick leave within the terms of the appropriate sick pay scheme.

- Where it is considered appropriate, on the advice of OHS or other specialists, formal action, under the relevant NHS Grampian employee policies, will be suspended (but see Appendix 1).
- On the resumption of his/her duties, or return to work following a period of treatment, the employee will normally be able to return to the same job. The only exceptions to this will be where the effects of the alcohol, or drug, problem renders the employee unfit, or unsuitable, to resume the same job, or where resuming the same job would be inconsistent with the long term resolution of his/her alcohol, or drug, problem. When it is not possible for the employee to return to the same job, every consideration will be given to finding suitable alternative employment, on either a temporary or permanent basis, under the provisions of the NHS Grampian Redeployment Policy. The member of staff has the right to be either:
 - represented by an accredited representative of a Trade Union or Professional Organisation (including full-time Trade Union Officers),
 or accompanied by:
 - a fellow member of staff, or a friend or relative not acting in a legal capacity.

in any discussions about alternative employment.

- Having accepted help or treatment and resolved the alcohol, or drug, related problem, the employee's normal promotional prospects will not be impaired.

5.5 An employee whose issues are suspected to be alcohol, or drug, related and who refuses the offer of referral for diagnosis and/or help and treatment, or who discontinues a course of treatment before its satisfactory completion and whose conduct remains unsatisfactory, may be subject to action under the relevant NHS Grampian employee policies.

5.6 Where, following return to work after treatment, the employee's work performance continues to suffer as a result of alcohol, or drug, related issues, the individual circumstances of the case will be considered and, where appropriate, further help and treatment may be offered.

5.7 The confidential nature of any records of staff with alcohol, or drug, related issues will be strictly observed, consistent with other health related issues and progress updates for managers will follow OHS Guidelines.

5.8 It is recognised that there may be occasions when colleagues, either collectively or individually, may be placed under strain during the period of treatment and rehabilitation of an employee with an alcohol, or drug, related problem. Staff support mechanisms already exist within the organisation to

assist with such situations e.g. NHS Grampian Dealing with Bullying and Harassment Policy.

- 5.9 Staff will be advised of the policy and procedures, in particular the arrangements for self-referral.

6. What is a “Drug”?

For the purposes of this policy the term drug includes:

- Alcohol;
- Substances scheduled within the Misuse of Drugs Act 1971 and covered by the Psychoactive Substances Act 2016;
- Prescription medication/over the counter drugs;
- Volatile substances (including solvents, gases, aerosols and glues);
- Any substance subject to temporary controls and placed within a Temporary Class Drug Order (TCDO) within the Misuse of Drugs Act 1971.

Misuse of a substance is defined when it's use:-

- May impair the capability or affect conduct of the employee in relation to their work and will also apply to employees who, on a random occasion, because of an episode of alcohol and/or drug misuse contravene NHS Grampian standards of safety and conduct;
- Is illegal;
- Used in a way that is inconsistent with medical guidance;
- Damages the reputation, or credibility, of NHS Grampian.

Note: Nicotine and caffeine are not included within this policy along with other exclusions fully detailed within the Psychoactive Substances Act 2016.

7. Procedure

- 7.1 The identification of the need for treatment for alcohol, or drug, related issues can come as a result of an employee self-referring to OHS, or as the result of a management referral. The latter is often, but not always, as a result of conduct or capability issues (see 4.4).

7.2 Employees may approach OHS at any time if they are concerned about their consumption of alcohol, or drugs. As with other contacts with the OHS, all consultations will be treated in the strictest medical confidence.

7.3 Colleagues, managers and accredited representatives of Trade Union/Professional Organisations representatives may seek advice informally from OHS if they need guidance regarding another's suspected alcohol, or drug, problem. These discussions will be treated in the strictest professional confidence.

7.4 Any employee may seek help by either:

Contacting OHS, or other agency, directly on a voluntary basis or by contacting their line manager or an appropriate member of the Operational HR Team. The line manager will meet with the staff member as soon as possible and arrange an appropriate appointment with OHS.

7.5 OHS will:

Assess the nature and extent of the problem and, if indicated, arrange a programme of help, either through the employee's GP, or an external agency.

Tell the line manager if absence from work will be necessary as part of a course of help and what co-operation is required from the work department in respect of the employee's duties and working conditions and any continuing support that may be required and with the employee's consent, liaise with the employee's GP and any appropriate external agencies to encourage recovery.

7.6 Management Referral

The procedure for this is attached at Appendix 2. The effective operation of this procedure depends upon communication and co-operation between the employee, the manager, an accredited representative of a Trade Union/Professional Organisation (if requested by the employee) and OHS. While the process described in Appendix 2 uses the normal route of referral through the line manager, there will be situations where there will be direct referral and subsequent communication between the manager and OHS.

It is vitally important that all the agreed parties concerned are kept fully informed of progress and decide the most appropriate line of communication for each particular case. OHS will facilitate such communication with all agreed parties.

Relationship between the Alcohol and Drug Policy and the relevant NHS Grampian employee policies

This Policy notes, under paragraph 5.6 of General Principles, that there may be occasions where it is considered appropriate, on the advice of OHS or other specialists, for formal action under the relevant NHS Grampian employee policies, to be suspended.

There are, however, certain circumstances where action under the relevant NHS Grampian employee policies is unlikely to be suspended, namely:

1. Where the issue is so serious (gross misconduct category) that the organisation has no option but to invoke the provisions of the relevant NHS Grampian employee policies.
2. Where an employee comes to work under the influence of alcohol and/or drugs and there is no apparent, or admitted, problem identified during investigation.
3. Where there are repeated failures, a lack of co-operation or a failure on the part of an individual to recognise that they have an alcohol and/or drug related problem.

Referral to the Occupational Health Service (OHS) by the Line Manager or Clinical Lead

An employee has a work related problem, the cause of which is suspected, or known, to be alcohol, or drug, related. [This process can also be followed where an employee identifies that they have a problem and seeks help.]

