

Alcohol, Drugs and Substance Misuse Policy	
Author:	HR Advisor
Corporate Lead:	Director of Workforce
Date ratified by LCH Board:	14 March 2014
Date issued:	December 2017
Review date:	December 2022
Target audience:	All Leeds Community Healthcare NHS Trust Employees

CONTENTS

1. PURPOSE	3
2. TRUST APPROACH TO ALCOHOL, DRUGS AND SUBSTANCE MISUSE	3
3. RESPONSIBILITIES	4
JOINT RESPONSIBILITIES	
MANAGEMENT RESPONSIBILITIES	
EMPLOYEES RESPONSIBILITIES	
UNION RESPONSIBILITIES	
WORKFORCE DEPARTMENT RESPONSIBILITIES	
OCCUPATIONAL HEALTH SERVICE RESPONSIBILITIES	
4. PROCEDURE FOR DEALING WITH ALCOHOL, DRUG AND SUBSTANCE MISUSE ISSUES	11
5. ALCOHOL, DRUGS & SUBSTANCE MISUSE RELATED CONVICTIONS	19
6. RELATIONSHIP TO OTHER POLICIES	19
7. DISCRIMINATION AWARENESS	20

Appendix 1: Signs of Alcohol/Drugs/Substance Misuse

Appendix 2: Urine testing for drugs or metabolites

Appendix 3: Information and consent forms for clients attending for random alcohol and/or drugs testing

Appendix 4: Information to be sent to managers on the testing procedure for Drugs/Alcohol

Appendix 5: Unable to contact for random Testing

RELATED POLICIES AND PROCEDURES

Disciplinary Policy

Sickness Absence Policy

Health and Safety Policies

Managing Concerns with Performance Policy

Lease Car Policy

1. PURPOSE

This document sets out Leeds Community Healthcare NHS Trust's (Trust) standard alcohol, drugs and substance misuse policy and procedures. It has been drafted to comply with statutory requirements and follow best practice. This should be read together with other relevant Trust policies, procedures and local guidance. The Policy and Procedures may be reviewed at the request of Management or Staffside by giving four weeks' written notice with reasons for the review.

2. TRUST'S APPROACH TO ALCOHOL, DRUGS AND SUBSTANCE MISUSE

The Trust recognises that alcohol, drug and substance misuse are health issues and, as such, is committed to providing the help and support that may be necessary for an employee to overcome his or her problem.

- The Trust recognises and accepts that nationally there is indisputable evidence to prove a growing misuse problem.
- The Trust seeks to provide a working environment that promotes sensible drinking.
- The Trust recognises that alcohol, drug and substance misuse are health issues, which it will address in a positive, supportive and non punitive way.
- The nature of addiction is about impaired control. Often it takes a long time for people to accept that their alcohol, drug and/or substance misuse is harmful.

As a caring and responsible employer the Trust is committed to responding sensitively and appropriately to this situation and providing a procedure for the identification, control and monitoring of these matters amongst its employees.

The aim of the Policy is to identify known and potential misusers and to motivate them to seek help by providing confidential assistance to the employee through education, support, counselling and necessary referral to

achieve, wherever possible, the earliest recovery and rehabilitation to their normal occupation.

The policy seeks to ensure that employees' use of alcohol or drugs (including performance altering drugs which may include prescribed medication) does not impair the efficient running of the organisation or present a risk to the health and safety of patients, the employees themselves, others working in the Trust or the general public. The policy also aims to recognise legal requirements and good practice in relation to Health and Safety.

The prime objectives of this policy are:

- To reinforce an empathic and confidential and consistent management approach, promoting support and rehabilitation for employees dealing with alcohol, drug and substance misuse.
- To enable managers to deal effectively with issues related to alcohol, drug and substance misuse in order to maintain acceptable standards of work performance.
- To promote a healthy and safe working environment.
- To maintain a healthy workforce
- To protect the reputation of the Trust.
- To encourage employees with problems related to alcohol, drug and/or substance misuse to seek help and accept treatment at the earliest possible opportunity.

3. RESPONSIBILITIES

JOINT RESPONSIBILITY

Good working relations are vital for the Trust to operate successfully and provide its essential services. Management, trade unions and employees accept the responsibility of working together on issues in good faith and with goodwill with the shared intention of facilitating good working relations.

The Trust believes that the practice of providing alcohol at special events at Trust premises (e.g. retirement or Christmas parties) or during working hours

is inappropriate and inconsistent with this policy and is therefore unacceptable. This also removes the element of temptation for those who experience such problems.

The Trust should offer support/guidance to an employee as appropriate. When an individual accepts that there is a problem and wishes to seek help to deal with it, the Trust should support the treatment process.

There are things that the Trust can do to help motivate someone towards change. There will be understanding about the difficult nature of changing an addictive behaviour.

MANAGEMENT RESPONSIBILITY

Management is required to manage and to act fairly and consistently. Management is responsible for ensuring that the policies and procedures are disseminated effectively and observed by all employees.

- To act as a role model in relation to the sensible consumption of alcohol outside the workplace.
- To be familiar with this policy and other relevant policies and inform employees of them.
- To provide advice to employees in relation to their roles and responsibilities under this policy.
- To be alert to any changes in behaviour which may indicate alcohol, drug and/or substance misuse and to monitor performance, attendance and sickness absence (See Appendix 1 – Signs of Alcohol/Drugs/Substance Misuse).
- To obtain advice from the Human Resources Manager in managing a situation where an employee is misusing alcohol, drug and/or substance.
- To promote an open and honest culture where employees feel able to take personal responsibility for their own health and safety in relation to alcohol, drug and/or substance misuse and support others to do so.

- To provide support to an employee who is being rehabilitated, using the relevant policies.
- To encourage employees to seek help voluntarily.
- In cooperation with the employee themselves, to obtain advice from the Occupational Health Service in relation to supporting an individual with a problem and enabling them to continue to carry out their role.
- To instigate disciplinary investigations and sanctions only when appropriate to do so, after seeking advice from the Human Resources Manager.
- To respect the right of employees regarding confidentiality as they would if they had any other medical or psychological problem. The exceptions to this would be where there is a requirement for individual cases to be reported to a particular professional body, e.g. GMC, NMC, HPC (or other body if public safety is a concern) or where issues of health and safety / safeguarding children and vulnerable adults are significantly compromised.
- To arrange for suitable transport and / or alternative duties if an employee is unfit to drive / carry out usual duties due to medication.

EMPLOYEES RESPONSIBILITY

Employees have a duty to comply with the policies and procedures. If an employee has any questions or concerns about policies and procedures they should raise these with their line manager or the Workforce Department

Employees have a duty:

- To be familiar with this policy.
- To use alcohol safely and responsibly.
- To take personal responsibility for their own health and well-being and their performance at work, by seeking help (should they have problems with their own alcohol, drug and/or substance misuse) from managers, Human Resources, Occupational Health Service, Union representatives or an outside agency.

- To encourage colleagues to take personal responsibility should they have an alcohol, drug and/or substance misuse problem.
- When concerned about a colleagues behaviours which may indicate the occurrence of alcohol, drug and/or substance misuse to seek help and advice from managers, Human Resources and/or trade union representatives in line with Trust policies.
- To comply with their professional codes of conduct.

It is forbidden for staff to report to work while unfit because of alcohol, drug and/or substance misuse. **This includes heavy consumption the night before work.**

Where an employee is under the influence of alcohol, drug and/or substance misuse and, in the opinion of a manager (using Appendix 1 as a guideline), is not fit to be at work, the employee will be asked not to attend work until fit to do so.

Subsequent actions will depend on the following:

- Whether this is a first instance or a repeated occurrence
- The seriousness of the behaviour

Where the employee accepts responsibility for their behaviour and agrees to seek help, the matter will be dealt with in line with this policy. In other cases and where other breaches of conduct have occurred such as a serious breach of Health and Safety standards, where the employee has behaved in a violent or threatening manner or where a patient has been endangered, then the matter may be dealt with under the disciplinary procedures.

Employees who attempt to cover up in a work situation for a colleague who puts themselves, others or the reputation of the Trust at significant risk will leave themselves open to disciplinary action.

Each member of staff has a role to play in this policy, by taking personal responsibility for their own health and well being, and supporting others to do the same.

The Trust encourages work colleagues to take personal responsibility in raising issues of alcohol, drug and/or substance misuse with their line manager at the earliest opportunity.

Employees must not use ('use' covers inhaling/snorting) any performance altering substance (e.g. alcohol and illegal drugs/substances that are prescribed) at any time whilst on duty, during breaks (including lunch breaks), or any period of time before commencing work which may result in affecting their performance (except if it is part of treatment for a health condition and their manager is aware and taken account of it in their duties).

It is completely unacceptable for employees to drive whilst under the influence of any intoxicating substance. This includes driving to/from work and during work time. It should be noted that some prescribed medication will also affect an individual's ability to drive safely.

Employees should take personal responsibility regarding drinking alcohol before attending work, as the effects of alcohol may be long-lasting, and it may impact on their performance and ability to drive.

Employees must not consume alcohol or illegal drugs, or substances at any time on Trust premises.

Employees must not bring alcoholic drinks for consumption on the premises and must not bring illegal drugs or substances onto any Trust premises. There are occasions where alcohol may be given as a gift, and any alcohol brought onto Trust premises as gifts for colleagues should be stored responsibly, i.e. out of sight.

Employees must inform their managers if they are unable to carry out any work related task safely. This includes being unfit to carry out work related tasks due to alcohol, substance or prescribed medication use. The employee is under no obligation to inform their manager about the specific nature of the condition, e.g. it is perfectly acceptable to inform a manager "I am not well

enough to carry out that task". The manager has the option to refer the individual concerned to the Occupational Health Service.

It is not acceptable for employees to attend work smelling of alcohol or if they have recently consumed alcohol (this will depend on the amount of time and alcohol consumed) as this can seriously undermine their capability and/or credibility. They will be considered unfit for work and will be sent home. This will be paid leave. Standards of safety, conduct and performance will be taken into account when making this decision.

Employees have a responsibility for keeping their manager informed of any medical or other condition or any other factor which affects function; e.g. taking prescribed medication.

With regard to individual Independent Practitioners, e.g. GPs, dentists and pharmacists, they must take responsibility for their own health and its potential to affect their practice. They must seek appropriate occupational health advice and support with regard to their work.

UNION RESPONSIBILITY

- To provide support for staff who are experiencing problems with alcohol, drug and/or substance misuse
- To liaise with the employee, their manager and Human Resources regarding the best way forward for an individual
- To encourage staff to use alcohol safely and responsibly and not to misuse drugs/substances
- To encourage staff to take personal responsibility for issues relating to alcohol, drug and/or substance misuse

WORKFORCE DEPARTMENT RESPONSIBILITY

The Workforce Department will work in partnership with managers and employee representatives to ensure employees are treated fairly and consistently within the framework of the Policy.

- To provide advice and options available for managers and staff regarding the application of the Policy
- To support staff and managers in making referrals to the Occupational Health Service
- To support staff and managers in the application of the relevant policies and procedures.
- To advise managers when it is more appropriate to deal with an issue under the Trust's Disciplinary Procedure
- To liaise with an individual's Staffside Representative, throughout the process.
- To ensure that all staff are dealt with fairly and consistently

OCCUPATIONAL HEALTH SERVICE RESPONSIBILITY

- It is important that there is early intervention by senior staff when substance abuse is suspected and it is affecting an individual's work performance. Where there are serious concerns about an individual's fitness or safety to practice, immediate action must be taken without awaiting involvement or advice from the Occupational Health Service.
- The Occupational Health Service will carry out confidential assessment of such health issues in relation to an individual's work and responsibilities.
- There will be an appropriate and ethical exchange of information which takes into account the sensitive nature of the condition between involved parties so that advice about fitness to work or role adjustment according to health status can be provided.
- Occasionally, the Occupational Health Service clinicians may suggest testing of biological specimens (e.g. urine or breath testing) as a part of a rehabilitation plan back to work, This will only be done in liaison with managers and will be arranged with the individual employee's consent. Any testing will only be conducted within the employee's normal working time and the employee will be granted paid time off to provide the sample. *The form for this process is attached in Appendix 3.*

Individuals must understand that their line manager will be informed if a test result is positive. Details of the actual substances and levels detected are classed as medically confidential information and will only be disclosed if the individual concerned consents to this. A positive test result does not in itself imply impairment, but it is a marker for behaviour involving possible alcohol, drug and/or substance misuse that may affect safety at work.

- For drug and alcohol testing there will be strict adherence to acknowledged correct procedure. Drug testing will be carried out in accordance with United Kingdom Laboratory Guidelines for Legally Defensible Workplace Drug Testing by an accredited laboratory (See *Appendix 2 – Urine Testing for Drugs or Metabolites*).

4. PROCEDURE FOR DEALING WITH ALCOHOL, DRUG AND SUBSTANCE MISUSE ISSUES

Misuse is not a disciplinary offence, and will be dealt with as a health problem. The aim is to rehabilitate and support an individual whilst at work or back to work if they are absent from work because of alcohol/substance misuse.

At the Occupational Health Service clinicians' discretion, when an individual has been seen in Occupational Health Service and is returning/continuing to work, testing of biological specimens (e.g. urine and breath testing) may infrequently be suggested and only arranged with the individual's consent. For drug testing there will be strict adherence to acknowledged correct procedure.

When a manager feels an employee is unfit for work, wherever possible, it is useful to obtain the opinion of another person (someone who is aware of the "normal" behaviours of the individual concerned) regarding the individual's fitness for work (taking into regard the sensitive nature of the problem and the employee's right to confidentiality). Also if the manager believes that the employee is unfit to drive, then arrangements should be made to get the individual home safely (e.g. taxi, lift from emergency contact). The "Road Traffic Act 1988" makes it illegal for any person to drive or attempt to drive a

motor vehicle while unfit to drive through the use of a substance. This includes prescribed and over the counter medication, as well as alcohol and illegal drugs.

The Occupational Health Service will offer support and advice to the employee; they may arrange referrals to other agencies with the employee's consent, monitor progress and, subject to the rules of confidentiality, provide advice for the manager. They cannot treat an individual for an alcohol, drug and/or substance misuse problem. They will not be able to carry out immediate/urgent testing to 'prove' that an individual is unfit for work due to alcohol, drug and/or substance misuse if an individual's manager suspects it.

If an employee has had a period of absence to enable them to receive treatment or if they have not been fit to attend work, they will be supported back to the workplace in conjunction with the Occupational Health Service, their line manager, Human Resources and their Staffside representative. This will be done in accordance with the Managing Concerns with Performance Policy. Occupational Health Service may arrange drug/alcohol testing to support this process, with the employee's consent.

Managers are expected to monitor performance and/or absenteeism during a period of rehabilitation.

Where an employee receives treatment/support but no sustained improvement in performance occurs within a reasonable timescale, the manager, in conjunction with Human Resources and advice from the Occupational Health Service, may progress the employee through the formal stages of the Managing Concerns with Performance Policy. The recovery will depend on many factors including the severity of the problem or co-existing health problems

The manager may identify deteriorating work performance and/or behaviour, with or without other signs of alcohol, drug and/or substance misuse. The Occupational Health Service, Drink/Substance misuse support services and

Human Resources are available to provide advice and assistance for managers and employees, if required.

If an employee refuses help, does not accept that they have an alcohol, drug and/or substance misuse problem or fails to complete an agreed treatment programme and performance at work continues to suffer, appropriate management action, including following Disciplinary Policy, Sickness Absence Policy and Managing Concerns with Performance Policy, can be taken.

If a colleague or supervisor has reasonable grounds to suspect an employee has an alcohol, drug and/or substance misuse problem that affects the health and safety of any employee or the employee's performance, they should inform the employee's manager. There should be no repercussions on the individual raising concerns. Any actions that endanger the health and safety of fellow employees could become a disciplinary matter.

Once aware of a potential problem, the manager should meet with the employee. The purpose of the interview is to:

- Discuss with the employee, including the identification of any occupational stress that may be contributing to the performance/behaviour. This approach would be most effective as a one-to-one interview
- Discuss the performance/behaviour with the employee and ask if they wish to comment
- Inform the employee of the possible consequences of continuing the present pattern of work (if performance is affected)
- Offer the employee a referral to Occupational Health
- Determine whether a disciplinary investigation should be commenced – seek advice from Human Resources

All staff are expected to attend work in a fit state to carry out their duties in a safe and effective manner. Any member of staff arriving or returning to work who is suspected of having consumed alcohol at or before work or being under the effects of drugs or substances should be removed from duty

immediately. This would not normally be for longer than the day on which the individual is considered incapable of carrying out their duties, unless other factors make this necessary. An investigation into the incident should be commenced.

Whilst the Trust is concerned to prevent the need for disciplinary action to be taken in relation to alcohol, drug and substance misuse, all employees must be aware of the serious view the Trust takes of alcohol, drug and substance misuse and recognise that the **possession of drugs whilst on duty will be regarded as a disciplinary matter**. It may be necessary to involve the police in such circumstances.

Alcohol, drug and substance misuse are recognised as health issues which may affect an employee's capability to carry out their duties. The Trust will treat all staff that have a misuse problem in an empathic and consistent manner and every reasonable effort will be made to deal with them accordingly and make the same provisions for treatment as for any other illness, at the same time maintaining a safe environment for staff, patients and visitors.

Alcohol, drug and substance misuse may come to the attention of a manager in several ways, for example directly from the employee concerned, through information supplied by a colleague, doctor or other person, through misconduct or absenteeism and/or through a deterioration in work performance. Any information received should be treated with the utmost confidentiality and no action taken without a full explanation being given to the member of staff involved.

On becoming aware of the problem, a manager will, in discussion with the employee, refer him or her to the Occupational Health Service or, if the employee so wishes, direct to another agency (see Appendix 1). An employee may be accompanied by a staff organisation representative or a work colleague in any discussion.

The Occupational Health Service will offer assessment, support and advice. Where appropriate they may arrange referral to another agency and, in liaison with that agency, monitor progress with the employee's consent. Subject to the rules of medical confidentiality they will provide information to the manager as to the fitness to work of the employee.

An employee may be able to return to work resuming the same or modified duties when well enough unless there is evidence that the effects of the alcohol, drug and/or substance misuse or related problems have rendered them unfit to do so.

Occasional testing of biological specimens (e.g. urine or breath testing) may be agreed to support this process and arranged with the individual employee's consent.

It is, of course, possible for an employee to seek advice direct from a general practitioner, another outside agency or from a source other than the line manager, for example the Occupational Health Department or Workforce Department. If this is the case, the normal standards of medical confidentiality will be observed.

In cases of gross misconduct, serious or repeated misconduct or where treatment suggested by Occupational Health Service/GP has not been accepted or followed, disciplinary action up to and including dismissal may be taken. The facts available to the Trust may be passed on to the professional registration council and/or the police, if appropriate.

The Trust accepts that provided an employee who has been identified or who is recognised as suffering from alcohol, drug and/or substance misuse is prepared to accept responsibility and to seek independent counselling or, if necessary, undergo an appropriate form of treatment programme, continued employment with the Trust will be maintained where possible during such treatment. This will also be the case afterwards providing the employee's physical and/or mental well-being remains satisfactory. If it is not possible for the individual to return to his or her present job, if practicable, suitable training

and alternative employment may be offered. This will take account of the professional advice of the Occupational Health Service and will be done in line with the redeployment procedure. However, instances of serious misconduct will still be subject to normal disciplinary procedures.

In any case where the employee has taken time off for treatment, arrangements for a return to work will be overseen by the Occupational Health Service working in conjunction with the line manager and, where appropriate, an HR representative and the employee representative (see Sickness Absence Policy with regards to time off for appointments).

Where misuse is not eliminated or controlled sufficiently to allow resumption of normal working arrangements within a reasonable period of time or, if appropriate, using Drink/Substance misuse support services, and no suitable alternative employment can be found, the matter will be dealt with as an issue of capability or, if appropriate, discipline.

Where a problem cannot be identified as an ill-health problem then the process should progress as a conduct or performance issue.

Offer of Referral to Occupational Health Service Rejected

If the employee rejects a referral to the Occupational Health Service the manager should make an assessment of the situation on the basis of the information they have and decide whether it is appropriate to pursue a disciplinary investigation or to deal with the matter under the Managing Concerns with Performance Policy.

Offer of Referral to Occupational Health Service Accepted

Where an employee accepts an offer of referral to the Occupational Health Service, an Independent Medical Referral Form should be completed with a covering letter giving the background to the case which must be sent in confidence to the Occupational Health Service or Drink/Substance misuse support services to confirm the appointment, and a copy given to the employee.

Employees need to be aware of all correspondence.

No Problem Confirmed

If the Occupational Health Service or Drink/Substance misuse support services do not confirm the existence of an alcohol, drug and/or substance misuse problem, or any other health problem, the manager should make an assessment on the basis of the information that they have and decide whether it is appropriate to commence a disciplinary investigation or to deal with the matter under the Managing Concerns with Performance Policy.

Problem Confirmed

If the Occupational Health Service confirms the existence of an alcohol, drug and/or substance misuse problem, it may refer the employee to their GP or direct them towards an appropriate agency (e.g. Drink/Substance misuse support services).

Referral to an Appropriate Agency Rejected

If the employee rejects a referral to an appropriate agency, the manager should make an assessment on the basis of the information that they have whether it is appropriate to commence a disciplinary investigation regarding the individual's behaviour/performance/attitude.

Referral to an Appropriate Agency Accepted

The appropriate agency could recommend a treatment programme

Treatment Programme Rejected

If the employee rejects the treatment programme offered by the appropriate agency, the Occupational Health Service or Drink/Substance misuse support services, the manager should make an assessment based on the information they have whether it is appropriate to commence a disciplinary investigation.

Treatment Programme Accepted

If the employee accepts the treatment programme offered by the appropriate agency, the Occupational Health Service or Drink/Substance misuse support services and is considered unfit for work, the Occupational Health Service should advise the manager. It may be recommended that the employee be temporarily relocated in order to enable the employee to remain at work.

The manager should inform the employee of performance and/or attendance expectations and it should be emphasised that a disciplinary investigation can be resumed at any time should the circumstances warrant it.

If the Occupational Health Service advises that the employee should not be at work whilst undergoing their treatment programme, including the need for residential / inpatient treatment, then normal arrangements for sick leave will apply.

Treatment Programme Discontinued

If the treatment programme is discontinued:

- By the employee
- By the Specialist Agency because of lack of progress

The manager should meet with the employee and determine what action should be taken which could involve referring to a different agency, increased support from the manager/HR and disciplinary action.

Treatment Programme Successfully Completed

The employee will return to the Occupational Health Service who would confirm that the problem was now overcome and, if the manager had been involved, inform them of the outcome. Continued awareness from the manager will be required in case of a relapse.

DISCIPLINARY ASPECTS

- If a manager is satisfied that an offence or work problem results from or reflects alcohol, drug and/or substance misuse, this must be taken into account when determining the most appropriate course of action.
- **In other than the most serious cases, where the manager and the employee acknowledge the health problem and agree on a course of action aimed at rehabilitation** (refer to the Managing Concerns with Performance Policy), **disciplinary action will be inappropriate**. This may not be the case in the event of any subsequent failure to maintain standards of performance and conduct.
- In the most serious cases, dismissal may remain appropriate. Even in these cases, however, where an employee acknowledges the misuse and agrees to treatment, a lesser sanction may be applied.

5. ALCOHOL, DRUGS & SUBSTANCE MISUSE RELATED CONVICTIONS

It is the responsibility of all employees to declare any convictions including cautions that they receive throughout the course of their employment.

The impact of each conviction will be considered on individual merit and may be referred to a Disciplinary Panel for their consideration.

If an employee loses their driving licence due to a conviction for driving whilst over the legal alcohol limit and they are required to drive as an essential part of their job, disciplinary action may be taken up to and including dismissal. Discussions will take place with the individual regarding the options available.

If an employee has a Trust Lease Car, then they shall be liable as if he/she were the 'Registered Owner' for any offences and/or charges committed or incurred by him/her (please refer to the Lease Car Policy). Consideration may be taken to remove the lease car from an individual. This will be treated on an individual case basis.

6. RELATIONSHIP TO OTHER POLICIES

Sickness Absence Policy

Where a problem has been identified with an employee, the line manager should ensure that any steps to deal with the matter are consistent with the Trust's Sickness Absence Policy.

Employees have a responsibility for keeping their manager informed of any medical or other condition or any other factor which might affect attendance; e.g. taking prescribed medication.

Disciplinary Policy

Clear reference is made in the Trust's Disciplinary Policy to "being unfit for duty through alcohol or drug abuse" which is likely to be regarded as gross misconduct and which may result in summary dismissal. Whilst employees with an issue of alcohol, drug and/or substance misuse should be regarded as suffering from an illness and treated accordingly, there may be occasions when such employees commit offences of misconduct for which disciplinary action is the necessary outcome. Prior to any consideration of disciplinary action, an investigation of the circumstances will take place in accordance with the Disciplinary Policy. Due consideration will be given to whether the employee has sought treatment or help.

Health and Safety Policies

Under the Health and Safety at Work Act (1974) The Trust has a duty to ensure the health, safety and welfare at work of all its employees and other persons including visitors and contractors using the premises. Similarly employees have a duty to take reasonable care for the health and safety of themselves and all other persons who may be affected by their acts or omissions at work. These factors must be taken into consideration where an

employee is known to have a problem related to alcohol, drug and/or substance misuse which could potentially affect the way he/she works.

7. DISCRIMINATION AWARENESS

The Trust expects the same standards of conduct of all employees. Managers should bear in mind the possibility that some employees may need assistance to follow or understand rules or procedures because of language or disability factors, for example. If such assistance is needed or requested, consideration should be given to providing it.

Appendix 1

SIGNS OF ALCOHOL/DRUGS/SUBSTANCE MISUSE

Signs of alcohol/substance misuse are not always obvious and may be confused with other conditions or problems. It is sensible to bear in mind the possibility of alcohol/substance misuse when the following behaviours are

observed. Please note that not all people with alcohol/drugs/substance misuse problems display all these behaviours. Some of these behaviours may also indicate other problems which are not associated with alcohol/drugs/substance misuse. If in doubt, contact the Occupational Health Service and/or Human Resources for advice.

- Abnormal fluctuations in mood and energy, irritability, impaired concentration, lethargy
- Tendency to become confused
- Poor timekeeping
- Repeated absences for trivial or inadequate reasons
- Increase in short-term sickness absence
- Impairment of job performance
- Accident proneness, increased incidence of mistakes or errors of judgement
- Deterioration of relationships with other people
- Hand tremors, slurred speech, facial flushing, bleary eyes, poor personal care and hygiene
- Smelling of alcohol or other substances
- Related driving offences or convictions

Appendix 2

Urine testing for drugs or metabolites

Requires strict adherence to procedure in the following 3 stages:

1. Specimen collection and chain of custody

2. Analysis
3. Interpretation of results

This procedure will be carried out by a specialised accredited company with proven experience in the field, who have personnel with the necessary expertise, with quality assurance and quality control which encompasses all these stages.

The length of time the toxins stay in the body and when the test would be carried out varies with different substances. Testing is random. Toxicologist/medical review officer takes account of declared medication.

1. Specimen collection and chain of custody

This stage covers:

- Correct identification of donor
- Informed consent
- Declaration of prescribed and other medication
- Acceptable private but tamper-proof production of urine samples
- Correct transfer to specimen container and labelling (2 containers are used so that a check sealed specimen, the “B” sample, is available if necessary)
- Sealing of specimen in a tamper-proof pack
- Dispatch to laboratory
- Correct identification and notification of report
- Delivery of report

2. Laboratory Analysis

- This stage involves initial screen test with defined “cut off” values.
- Positive screen tests are tested again by a “confirmation test”.
- Quality assurance is carried out by an external recognised QA scheme.

3. Interpretation is carried out by a qualified medical review

The officer can consult with the laboratory toxicologist, the donor and the referring doctor if necessary. Positive results require careful interpretation and may be due to prescribed or over the counter medication or dietary causes.

Appendix 3

INFORMATION AND CONSENT FORM FOR CLIENTS ATTENDING FOR RANDOM ALCOHOL AND/OR DRUGS TESTING

Section 1 to be read by Client

The occupational health specialist, who has recommended that you have random testing for alcohol/drug levels, will have discussed the reasons for this test with you. Please read and confirm that you have understood the following:

1. Your Availability For Testing

- An occupational health nurse adviser will contact you on the day of your test to request that you attend.
- If you know in advance that you will not be available, for example you will be on holiday or have very particular work commitments, you must inform the occupational health service in advance (occupationalhealth@leedsth.nhs.uk Title email - D/A test urgent).
- If the occupational health nurse adviser is unable to contact you on the telephone number provided, your manager will be informed of this immediately by e-mail.
- If you do not attend as requested or decline to attend at short notice we will need to inform your manager. (It is likely that your manager will want to know the reasons for non-attendance and, in certain circumstances, they may consider it equivalent to a positive result).

2. Prescription medication

If you are taking prescribed medication please bring the prescription or the medication in its original container with your name on. Without this evidence, prescribed medication cannot be declared on the drug testing form. As a consequence a positive result will be disclosed to your manager.

3. Test Results

- Your manager will be informed of any positive result.

- For alcohol testing by breathalyser, any reading above zero regardless of how small will be reported as positive. It is expected that your manager will decide on the appropriate course of action with this information. Details of the actual level of alcohol detected are classed as medically confidential information and will only be given to your manager with your consent.
- For drug testing (hair and urine tests). Your manager will be informed if you have a positive result following laboratory testing. It is expected that your manager will decide on the appropriate course of action with this information. Again the details of the drug type or drug levels are medically confidential, and will only be given to your manager with your consent.
- The medical review officer will discuss a positive result and its significance with you, and discuss with you whether you wish further details to be given to your manager. It is recommended that your GP is informed in the event of a positive result.

Section 2 to be completed by Client

Full Name:

Preferred contact telephone number:

Place of work:

Job Title::

Normal working hours

24/7 shifts

9/5

8/4

Monday/Tuesday/Wednesday/Thursday/Friday

If working hours are always 'out of hours', are you available during week Mon-Friday 8- 4?

Yes/No

Comments

If I am taking prescribed medication I will bring the prescription or the medication in its original container with my name on. Without this evidence, prescribed medication cannot be declared on my drug testing form. As a consequence any positive result will be disclosed to my manager.

I confirm that I have read and understood the information on pages 1 and 2. I have had explained to me the nature of this test and how there are possible consequences for my employment if the test proves positive.

I consent that the information on page 3 can be sent to my manager on the testing procedure for Drugs/Alcohol.

I consent to details of any positive drug or alcohol test results to be given to my general practitioner.

Signed: _____ Print: _____ Date: _____

Occupational Health Specialist

Signed: _____ Print: _____ Date: _____

Section 3 to be completed by OHS Clinician

Testing required for: Hair/Urine/Breath

Frequency of testing:

Time of day.....

Duration of testing period if known:

Other comments:

Signed.....Date:.....

Occupational health specialist

I

Appendix 4

**Information to be sent to Managers on the testing procedure for
Drugs/Alcohol**

Dear Colleague

The attached information and consent form (pages 1 and 2) is a copy of the one we give to all clients for whom we are testing either for Drugs or Alcohol. In either case, this is part of the Occupational Health Service (OHS) commitment to support staff through a programme of rehabilitation and is being undertaken with your knowledge and in line with the Trust's Alcohol, Drug and Solvent Abuse Policy.

Unfortunately, on occasion, the testing process is bound to have a detrimental effect upon your service, one which we will endeavour to minimise, but it is not one we can remove altogether. This will be caused as a result of our need to call the staff member to attend OHS for either drug or alcohol testing under random conditions which by default means very short notice. As it has to be completely random without any pattern the sampling can take place at any time of the day and on any day of the week, it could happen several times in the same week or weeks apart according to individual circumstances. The particular pattern will not denote a problem, just how the testing has been programmed.

In the event we cannot contact the individual staff member via a previously agreed number we will notify you of this via email. This will have already been made known to the individual through the consent process (see above)

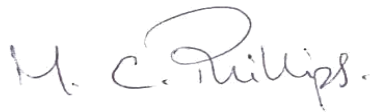
The purpose of contacting you is both to inform you but also to enable you to confirm or otherwise the individuals actual availability, i.e. short term sickness, pressure of work etc.

We apologise in advance for any inconvenience this may cause you and, in the event of a real problem, you can notify us yourself that the staff member who may be willing is unable to attend due to the needs of the service. We do hope however that in an attempt to support your member of staff this should not happen too often.

Our commitment is to keep supporting your staff as long as is required and feels necessary and to keep you notified in the event of any problems.

Random testing should always be viewed as only one part of the supportive rehabilitation process that should be taking place within the workplace - it is not a substitute for management decision-making. In the event an individual attends for work and appears to be under the influence of either drugs or alcohol, management /HR action needs to be taken as per the existing Trust policies.

On behalf of the Occupational Health Service



Margaret Phillips
Clinical Services Manager
Occupational Health Service

Appendix 5

Unable to Contact for Random Testing

Re -----

For the purpose of random breath/ drug testing, as agreed on----- (insert date on consent form), I tried to make contact with the above named at----- -- (insert time of attempted phone call).

They did not answer the phone.

My understanding from their work rota is that they are on duty today.

Unless I hear from you in the interim, I plan to contact them for testing on a different random date, and follow up will continue as planned.

Please contact me if you wish to discuss this.

Thank you

Occupational Health Service