




Alcohol & Substance Misuse, Addictions and Dependence Policy

Policy number and category	HR 09	Human Resources
Version number and date	1	January 2020
Ratifying committee or executive director	Operational Management Team	
Date ratified	September 2020	
Next anticipated review	September 2023	
Executive director	Executive Director of Strategy, People and Partnerships	
Policy lead	Head of Human Resources	
Policy author (if different from above)	Sarah Tomlinson, HR Business Partner	
Exec Sign off Signature (electronic)		
Disclosable under Freedom of Information Act 2000	Yes	

Policy context

- Birmingham Solihull Mental Health Foundation Trust (the Trust) is committed to protecting the health, safety and wellbeing of its staff, to service users and those who come into contact with its services. The Trust wishes to provide a working environment which ensures health, safety and positive work performance.
- The Trust recognises its responsibilities under the Misuse of Drugs Act 1971, and that misuse of, dependence on and addiction to alcohol, substances or gambling poses a threat to service delivery, and may negatively affect attendance at work, performance and relationships with colleagues.
- This document provides a framework for managing misuse, dependence and addiction in the context of promoting wellbeing of employees.

Policy requirement

- This policy applies to all employees. Where potential misconduct arises, managers are required to refer to the Trust Disciplinary Policy.

Contents

1. INTRODUCTION	
1.1 Rationale (Why)	3
1.2 Scope (Where, When, Who).....	3
1.3 Principles.....	3
2. POLICY (What).....	4
3. PROCEDURE.....	4
3.1 Managers.....	4
3.2 Occupational Health.....	5
3.3 Human Resources.....	5
3.4 Staff side and Trade Unions.....	6
3.5 Staff.....	6
4. RESPONSIBILITIES	6
5. DEVELOPMENT AND CONSULTATION PROCESS	7
6. REFERENCE DOCUMENTS.....	7
7. BIBLIOGRAPHY.....	7
8. GLOSSARY	8
9. AUDIT AND ASSURANCE	8
10. APPENDICES.....	8
Appendix 1 Equality Impact Assessment	

1. Introduction:

2.1 Rationale (why)

- The Trust is committed to creating a safe and productive work environment that enables optimum service delivery. A framework for managing misuse, dependence and addiction is required to enable this.
- This Policy is designed to help all staff, managers and employee representatives in the identification and management of, potential substance misuse problems, or dependence and addiction issues including gambling.
- The Trust is committed to supporting staff with alcohol and substance misuse, dependence or addiction sensitively through support and assistance where appropriate.
- Any issues which arise of gross misconduct or misconduct as a result of misuse, dependence or addiction will however need to be referred to the Trust disciplinary process and/or MHPS process for medical and dental staff.

2.2 Scope (when, where and who)

- This policy applies to all permanent and temporary staff including bank staff, volunteers and those on honorary contracts.
- Where concerns arise with staff not directly employed by the Trust but carrying out work on Trust premises or on behalf of the Trust, such as contractors, staff on secondment and agency staff, the employing organisation will be notified.
- This policy covers the use and misuse of alcohol, solvents, legal and illegal drugs, prescription and over-the-counter medication and other substances that could adversely affect performance and health and safety. It also covers dependence or addiction due to activities such as gambling.

2.3 Principles (beliefs)

- The Trust recognises the difference between staff who acknowledge that they have an addiction or misuse problem and who seek assistance for it, or who may not yet acknowledge the problem, and those who are in breach of the Trust's Disciplinary Policy.
- The Trust considers dependence and addiction to be a health problem for which an individual requires specialist treatment and support, and will provide appropriate referral, support and assistance where able. Employees who come forward will be treated sensitively and in confidence within the constraints of any legal

requirements, however staff must be aware that where behaviour results in misconduct as a result of misuse, dependence or addiction, or an individual fails to comply with treatment plans or accept help and assistance, this may result in disciplinary action.

- The Trust positively supports individuals with learning disabilities and ensures that no-one is prevented from accessing the full range of mental health services available. Staff will work collaboratively with colleagues from learning disabilities services and other organisations, in order to ensure that service users and carers have a positive episode of care whilst in our services. Information is shared appropriately in order to support this.

2: The policy

- 2.1 All staff are responsible for reporting for work on time, and for being capable of performing their duties in a safe and satisfactory manner, and not under the influence of alcohol, drugs or any other harmful substance.
- 2.2 All staff will be accountable for behaviours such as consuming alcohol or taking any substance which may affect performance, put service users or visitors at risk prior to starting work, during breaks, whilst on-call or at work or personal functions on or off site if the individual is returning to work or is going to be on-call after the event.
- 2.3 Staff who are supporting service users with issues such as alcohol or substance misuse, addictions and dependence including gambling must maintain professional boundaries. Staff who require professional support with any difficulties arising from working with service users managing these issues must escalate through the usual management route for supervision and guidance.
- 2.4 Staff attending work or personal functions on or off site and who are not returning to work afterwards must ensure that alcohol consumption does not lead to inappropriate behaviour. Behaviour which brings the Trust into disrepute as a result of intoxication, or which breaches the Trust's Behavioural Profile, will be referred to the disciplinary process.
- 2.5 Managers can engage Occupational Health support with undertaking random testing when they have reasonable grounds to believe staff have not adhered to the policy. The process for this is detailed in Appendix 2.
- 2.6 Staff must not consume, have in their possession, or trade any illegal drugs on Trust premises or whilst on or off duty. Any associated behaviours that raise concern as to the legality will lead to disciplinary action, professional body referral and police involvement.
- 2.7 Staff who attend work and are suspected to be under the influence of drugs or alcohol must comply with a reasonable managerial referral for immediate medical screening.

- 2.8 Betting sites are blocked from computer access on Trust sites, however staff must not take part in gambling activity during working hours, and must not use Trust IT equipment to take part in online gambling activity at any time.

3: The procedure

3.1 Managers

Managers will:

- 3.1.1 Ensure that they and their staff are aware of the policy and know how to seek appropriate advice and support if they identify they have a problem.
- 3.1.2 Initially broach the subject with the employee where there are reasonable grounds for concern in a sensitive and supportive manner, encouraging the individual to seek support voluntarily.
- 3.1.3 Make a referral to Occupational Health for advice and guidance on the management of issues of misuse, dependence and addiction.
- 3.1.4 Make a referral for immediate medical screening if the individual attends for work apparently under the influence.
- 3.1.5 Undertake a risk assessment where appropriate, referring to HR or Health and Safety for guidance if required.
- 3.1.6 Signpost individuals to agencies for support.
- 3.1.7 Seek advice from Human Resources and the Safeguarding Team. In the case of a registered professional, also seek advice from the relevant professional lead.
- 3.1.8 Provide support in line with policy guidance on taking time off for medical appointments, for the individual to access any treatment, rehabilitation or support required.
- 3.1.9 Manage any absence from work due to misuse, dependence or addiction in line with the Sickness Absence Policy.
- 3.1.10 Refer any matter of misconduct or gross misconduct associated with alcohol or substance misuse or other dependency or addiction to the disciplinary process, and associated referral to the professional body. Any matters of a criminal nature will be referred to the police with HR support. Referral into the PiPoT Policy and Safeguarding Team will also be made.
- 3.1.11 Maintain confidentiality and protect the individuals dignity at work.
- 3.1.12 Keep appropriate documentation to demonstrate support offered to staff.

3.2 Occupational Health Department

Occupational Health will:

- 3.2.1 Provide support, information and advice to managers and staff, producing a report arising from any referral.
- 3.2.2 Provide a supportive confidential assessment, counselling, rehabilitation and referral service to staff.
- 3.2.3 Undertake immediate testing as required, in order to support the Trust identifying if someone has attended work under the influence.
- 3.2.4 Undertake educational, training and health promotion activities associated with misuse, dependence and addiction issues, including training on early intervention and how to identify red flags.

3.3 Human Resources

Human Resources will:

- 3.3.1 Provide appropriate advice to managers and staff in line with this policy.
- 3.3.2 Advise on the appropriate referral into another policy such as the Sickness Absence Policy or the Disciplinary Policy.
- 3.3.3 Provide guidance in instances of criminal activity.

3.4 Staff side and Trade Union Representatives

Staff side and Trade Union representatives will:

- 3.4.1 Provide support to their members in accordance with this policy.
- 3.4.2 Union Health and Safety Reps will raise awareness through communication and compliance with this policy.

3.5 Staff

Staff will:

- 3.5.1 Comply with the provisions within this policy.
- 3.5.2 Ensure that when they report for work, throughout their shift, breaks and on-call period, they are safe to undertake their duties and are not under the influence of alcohol, drugs or substances.
- 3.5.3 Notify their manager if they are experiencing side effects that affect their ability to perform their duties as a result of taking prescribed or over-the-counter medication. This does not require the individual to report the health condition for which they are taking the medication.
- 3.5.4 Acknowledge and seek support for any misuse, dependence or addiction issue, seeking help from their line manager and Occupational Health as well as any external agency.

- 3.5.5 Reasonably co-operate with any support provided by the Trust, including attending Occupational Health as a result of management referral including for testing.
- 3.5.6 Act reasonably in accordance with professional duty, to stop any colleague not capable of working due to being under the influence, escalating lower level concerns about a colleague sensitively and appropriately.

3.6 Support from External Organisations

Aquarius 0300 456 4293 gambling@aquarius.org.uk

PAM help for drug addiction – <https://my.pamlife.co.uk/contentsearch/item/162>

PAM help for alcohol misuse – <https://my.pamlife.co.uk/contentsearch/item/759>

Psychiatrists' Support Service – 0207 245 0412

<https://www.rcpsych.ac.uk/members/supporting-you/psychiatrists-support-service>

British Doctors and Dentists Group - 07792 819966 <http://www.bddg.org/>

The British Doctors and Dentists Families Group - 07725 972866

<http://www.bddg.org/families-group-of-bddg/>

Doctors Support Network - 0208 540 9194 <https://rmbf.org/supporting-organisation/doctors-support-network/>

4: Responsibilities

Post(s)	Responsibilities	Ref
All Staff	The responsibilities of employees in accordance with this policy are: <input type="checkbox"/> To be aware of the policy and adhere to the standards of this policy at all times <input type="checkbox"/> To project a professional image and encouraging public trust and confidence.	
Service, Clinical and Corporate Directors	Ensure that managers within the defined service area of responsibility apply the policy and procedures fairly, consistently and in a timely manner.	
Policy Lead	Ensure that the policy and procedure is maintained, is up to date, and is consistent with any relevant employment legislation and utilised correctly.	
Executive Director	To ensure any concerns regards the policy are considered as appropriate and it is reviewed in line with any legislative changes.	
Management	The responsibilities of Managers in accordance with this policy are to: <input type="checkbox"/> apply this policy in a fair and consistent manner with regard for health and safety of	

	employees, service users and members of the public <input type="checkbox"/> challenge issues as they arise from this policy and applying the policy as appropriate <input type="checkbox"/> Ensure all members of their team are aware of the policy <input type="checkbox"/> Treat concerns raised under this policy sensitively, confidentially and seriously <input type="checkbox"/> Carry out risk assessments where required	
--	--	--

5: Development and Consultation process consisting of:

Consultation summary		
Date policy issued for consultation	08/04/2020	
Number of versions produced for consultation	1	
Committees / meetings where policy formally discussed	Date(s)	
JOSC	9 th October 2019	
PDMG	18 th June 2020	
Where received	Summary of feedback	Actions / Response

(*Add rows as necessary)

6: Reference documents

- ⊕ Behavioural Profile <http://connect/wbt/Supplementary documents/29. Behaviour Profile for all Managers Examples.docx>
- ⊕ Disciplinary Policy
- ⊕ Sickness Absence Policy
- ⊕ PiPoT Policy
- ⊕ HR Guidance Note: Social Networking

7: Bibliography:

- ⊕ Misuse of Drugs Act 1971

8: Glossary consisting of:

N/A

9: Audit and assurance consisting of:

Assurance will be provided in the delivery of management training within service areas, and the demonstration of managerial knowledge.

Audit mechanisms will include assessment of the number of cases referred to Occupational Health, and the number of cases referred for HR support including through the disciplinary process.

10. Appendices consisting of:

- ✦ **Appendix 1 – Equality Impact Assessment**

Equality Analysis Screening Form

A word version of this document can be found on the HR support pages on Connect

<http://connect/corporate/humanresources/managementsupport/Pages/default.aspx>

Title of Proposal		Alcohol and Substance Misuse, Addiction and Dependency Policy		
Person Completing this proposal		Sarah Tomlinson	Role or title	HR Business Partner
Division		Workforce	Service Area	Operational HR
Date Started		Sept 2019	Date completed	November 2019
Main purpose and aims of the proposal and how it fits in with the wider strategic aims and objectives of the organisation.				
Supporting the Trust wellbeing strategy, this policy seeks to set standards for staff and inform staff and managers of the process for addressing any concerns related to the issues, including offering support, escalation and referral.				
Who will benefit from the proposal?				
Staff and managers				
Impacts on different Personal Protected Characteristics – Helpful Questions:				
<i>Does this proposal promote equality of opportunity?</i>		<i>Promote good community relations?</i>		
<i>Eliminate discrimination?</i>		<i>Promote positive attitudes towards disabled people?</i>		
<i>Eliminate harassment?</i>		<i>Consider more favourable treatment of disabled people?</i>		
<i>Eliminate victimisation?</i>		<i>Promote involvement and consultation?</i>		
		<i>Protect and promote human rights?</i>		
Please click in the relevant impact box or leave blank if you feel there is no particular impact.				
Personal Protected Characteristic	No/Minimum Impact	Negative Impact	Positive Impact	Please list details or evidence of why there might be a positive, negative or no impact on protected characteristics.
Age	x			There will not be a detrimental impact due to age.
Including children and people over 65 Is it easy for someone of any age to find out about your service or access your proposal? Are you able to justify the legal or lawful reasons when your service excludes certain age groups				
Disability			x	There will not be a detrimental impact due to disability but a positive impact will be achieved for those struggling with dependence

Including those with physical or sensory impairments, those with learning disabilities and those with mental health issues Do you currently monitor who has a disability so that you know how well your service is being used by people with a disability? Are you making reasonable adjustment to meet the needs of the staff, service users, carers and families?				
Gender	x			More men than women are alcohol/substance dependent
This can include male and female or someone who has completed the gender reassignment process from one sex to another Do you have flexible working arrangements for either sex? Is it easier for either men or women to access your proposal?				
Marriage or Civil Partnerships	x			There will not be a detrimental impact due to disability
People who are in a Civil Partnerships must be treated equally to married couples on a wide range of legal matters Are the documents and information provided for your service reflecting the appropriate terminology for marriage and civil partnerships?				
Pregnancy or Maternity	x			There will not be a detrimental impact due to maternity/paternity status
This includes women having a baby and women just after they have had a baby Does your service accommodate the needs of expectant and post natal mothers both as staff and service users? Can your service treat staff and patients with dignity and respect relation in to pregnancy and maternity?				
Race or Ethnicity	x			
Including Gypsy or Roma people, Irish people, those of mixed heritage, asylum seekers and refugees What training does staff have to respond to the cultural needs of different ethnic groups? What arrangements are in place to communicate with people who do not have English as a first language?				
Religion or Belief	X			
Including humanists and non-believers Is there easy access to a prayer or quiet room to your service delivery area? When organising events – Do you take necessary steps to make sure that spiritual requirements are met?				
Sexual Orientation	X			
Including gay men, lesbians and bisexual people Does your service use visual images that could be people from any background or are the images mainly heterosexual couples? Does staff in your workplace feel comfortable about being 'out' or would office culture make them feel this might not be a good idea?				
Transgender or Gender Reassignment	X			

This will include people who are in the process of or in a care pathway changing from one gender to another Have you considered the possible needs of transgender staff and service users in the development of your proposal or service?				
Human Rights	X			
Affecting someone's right to Life, Dignity and Respect? Caring for other people or protecting them from danger? The detention of an individual inadvertently or placing someone in a humiliating situation or position?				
If a negative or disproportionate impact has been identified in any of the key areas would this difference be illegal / unlawful? I.e. Would it be discriminatory under anti-discrimination legislation. (The Equality Act 2010, Human Rights Act 1998)				
	Yes	No x		
What do you consider the level of negative impact to be?	High Impact	Medium Impact	Low Impact	No Impact
				X
If the impact could be discriminatory in law, please contact the Equality and Diversity Lead immediately to determine the next course of action. If the negative impact is high a Full Equality Analysis will be required.				
If you are unsure how to answer the above questions, or if you have assessed the impact as medium, please seek further guidance from the Equality and Diversity Lead before proceeding.				
If the proposal does not have a negative impact or the impact is considered low, reasonable or justifiable, then please complete the rest of the form below with any required redial actions, and forward to the Equality and Diversity Lead .				
Action Planning:				
How could you minimise or remove any negative impact identified even if this is of low significance?				
How will any impact or planned actions be monitored and reviewed?				
How will you promote equal opportunity and advance equality by sharing good practice to have a positive impact other people as a result of their personal protected characteristic.				

Please save and keep one copy and then send a copy with a copy of the proposal to the Senior Equality and Diversity Lead at bsmhft.hr@nhs.net . The results will then be published on the Trust's website. Please ensure that any resulting actions are incorporated into Divisional or Service planning and monitored on a regular basis.

Appendix 2

Management Process for Referring for Occupational Health Testing

Referrer to call in to the Birmingham Clinic 0121 227 7117 or email birmingham.clinic@people-am.com stating that they need to arrange a Drug and Alcohol Test.

The referrer will need to provide their ERN number and the ERN number of the employee, and an idea of when is best to get the appointment booked (for example, when they are next due to be in work). The appointment will take place in Occupational Health, Birmingham Clinic.

The Client Service Team will book this appointment and share the details with the manager, who will then need to ensure the employee is made available to attend the appointment – notifications will not go to the employee.

Following the test, a report will be made available to the manager on OHIO.