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## POLICY STATEMENT

This policy is intended to set out the values, principles and policies underpinning this agency's approach to alcohol and drug use by service users, relatives, visitors, contractors and staff.

This policy is based on the following aims.

- To maintain a safe and healthy environment for all service users and employees
- To minimize drug and alcohol related injuries to persons or property
- To comply with applicable laws and legislation

This policy is informed by the agency's understanding of its statutory duties as an employer.

## ALCOHOL AND DRUG MISUSE – STATUTORY DUTIES OF EMPLOYERS AND EMPLOYEES

If a manager or employer knowingly allows an employee to continue working under the influence of drugs or alcohol and their behaviour places themselves or others at risk, the employer or manager could be prosecuted under the **Health and Safety at Work, etc Act 1974** or under the Management of **Health and Safety at Work Regulations 1999**. Under these Acts employees are also required to take reasonable care of themselves and others who could be affected by what they do at work.

The principal legislation in the UK for controlling the misuse of drugs is the **Misuse of Drugs Act 1971 (and Misuse of Drugs Act 2001)** which makes the production, supply and possession of controlled drugs unlawful, except in certain specified circumstances (for example, when they have been prescribed by a doctor). Under the act, if an employer knowingly permits the production, use or supply of any controlled drugs on their premises they could be committing an offence.

The agency's interpretation of these statutory duties leads to the following policy statements.

### DRUG OR ALCOHOL POLICY: STAFF

In this agency the use of drugs and/or alcohol by contractors or employees is strictly prohibited at all times and under all circumstances.

This agency believes that alcohol and drug misuse affects performance, behavior and relationships and that there is overwhelming evidence of links between alcohol misuse and social and psychological disturbances, medical problems, accidents and violence. Alcohol or drug misuse can also lead to high levels of sickness, time off and absenteeism amongst staff, and in addition, the possession, employers could be breaking the law if they knowingly allow drug-related activities in their workplace and fail to act. The agency therefore recognizes its duty as an employer to provide and monitor for employees, so far as is reasonably practicable, a working environment which is reasonably suitable for the performance of their contractual duties and this includes providing a drug and alcohol free environment.

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However, the agency makes a distinction between patterns of alcohol or drug misuse which point to addiction in staff, such as drinking or drug-taking to excess continually, regularly or in intense episodes and, on the other hand, random instances of drug-taking or excessive drinking which affect work. The agency regards alcohol and drug misuse of the first kind as first and foremost a health problem, and its approach will be informed by this understanding.

Other forms of drink and drug consumption, which affect work will be treated as conduct or performance issues and dealt with according to the disciplinary rules and procedures of the agency. Infringements of this policy by staff will be dealt with through the established agency disciplinary and grievance procedure and violations of the policy subject to the normal disciplinary sanctions. This includes cases where employees attend work under the influence of drugs and alcohol.

#### **PROCEDURE**

1. In all such circumstances, where an employee either attends work under the influence of drugs or alcohol or uses drugs or alcohol while at work:
  - The employee will be sent home
  - The disciplinary procedure will be applied
  - The police will be informed (in the case of drug use at the agency).
2. Any employee with a drug or alcohol-related problem where a person has a state of addiction or habitual taking of alcohol or drugs will be dealt with according to the following policy:
3. Any employee with a drug or alcohol-related problem, where a person has a state of addiction or habitual taking of alcohol or drugs will be encouraged to seek guidance from a suitable counselling agency. Where poor work performance, absenteeism, poor health or deteriorating behaviour, indicate a possible problem, employees will be advised to refer themselves for confidential counselling and advice. Paid time off for counselling and treatment will be allowed in accordance with SSP.
4. Job security will be maintained for any employee participating in treatment and/or counselling in an attempt to deal with drug or alcohol abuse. Where an employee has to be away from work to undergo treatment, their job will be held open in accordance with normal sickness procedures. However, it has to be accepted that, in the long-term, job security must depend on work returning to an acceptable level.
5. The agency undertakes to ensure that any counselling is strictly confidential, and that any records compiled by a counsellor will be treated as the individual property of that counsellor. No discussions about any employee will take place between the agency and the counsellor without written permission of the employee concerned.

Drug or alcohol abuse will not in itself constitute grounds for dismissal, unless the person's action or performance reaches an unacceptable level. Such cases will be dealt with under normal disciplinary procedures where the employee's appropriate legal/union representative will be involved at all stages.

6. It is the agency's intention to strictly enforce its no drugs or alcohol policy. All breaches of the regulations will be treated as serious matters and dealt with in the appropriate manner.

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**Drugs and Alcohol Policy: Service Users, Relatives and Visitors**

Homecare D & D Ltd is committed to providing high quality residential services for older people. However, it is also committed to giving service users the freedom to act autonomously and make their own lifestyle choices.

Homecare D & D Ltd recognizes that moderate alcohol consumption forms a normal and enjoyable part of many people's lives. In this respect service users will be able to use alcohol for their own social use subject to the following restrictions:

1. The use of alcohol must be responsible and not excessive
2. The use of alcohol must not present a problem to other users, relatives and visitors or to staff.
3. The management of alcohol use for both individuals and groups of service users must include consideration of possible contra-indications with medication of medical conditions and inappropriate access
4. In situations where there is concern identified in relation to the use or misuse of alcohol, discussion should take place with the service user, family members (with agreement of the client) GP and named worker.

1. The Organisation reserves the right to refuse Care to any prospective new service users with established drug or alcohol problems at the management's discretion.
2. Disputes arising with service users from the drugs or alcohol policy will be dealt with through a meeting with the service user, their key worker and the organisation manager. Individuals who refuse to accept the no drug or alcohol policy should be directed to the drugs or alcohol clause in the contract of residence.
3. Suspected drug use may be reported to the Police and Governing bodies.

**PROCEDURE TO TAKE ON SUSPICION, THAT AN EMPLOYEE MAY HAVE AN ALCOHOL OR DRUG MISUSE PROBLEM.**

In the event of an incident with a member of staff involving alcohol or drugs or in the event of managers of the agency noting trends of behavior in a member of staff which may indicate alcohol or drug misuse, the manager or owner of the agency should:

1. Discuss the matter with the employee and outline the reasons for concern in the presence of a staff representative if requested
2. Ensure that a member of staff is aware of the agency's no alcohol or drugs policy and what it means for their rights.
3. Assess whether the incident is an isolated event or part of a pattern indicating the possibility of a more serious health problem.
4. As far as possible try to treat the misuse as a health issue rather than an immediate cause for dismissal or disciplinary action

If there is part of a pattern indicating the possibility of a more serious drug or alcohol related health problem then the manager or owner of the agency should:

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1. Advise the employee that they must refer themselves or be referred for confidential counseling and advise or else the agency will be forced to take disciplinary action.
2. Allow time off for treatment in accordance with SSP.
3. Keep the individual's job open if the employee is participating in treatment and /or counseling in an attempt to deal with drug or alcohol abuse
4. Consider temporarily moving them to another job while they are getting treatment if their normal work is safety-critical
5. Only take disciplinary action as a last resort (an employer could be judged by an industrial tribunal to have unfairly dismissed an employee whose work problems related to alcohol or drug misuse if no attempt has been made to help the member of staff)
6. On the employee's return to work arrange for a full performance review.

**TRAINING**

All new staff should be encouraged to read this drugs or alcohol policy as part of their induction process and should be referred to the no drugs clause in their contract of employment.

Signed: \_\_\_\_\_

Date: \_\_\_\_\_