

POL30 Alcohol and Drugs Policy and Procedure

Serendipity Healthcare Ltd
Unit 5 Millennium Way, Dunston, Chesterfield, Derbyshire, S41 8ND



1. Purpose

- 1.1 Serendipity Healthcare Ltd is committed to ensuring that all staff are fit to carry out their jobs safely. Given the nature of business at Serendipity Healthcare Ltd and the duties and responsibilities of each staff member, it is important that this policy is observed in order to ensure a healthy, safe environment for staff and Service Users.
- 1.2 Staff should be aware that Serendipity Healthcare Ltd will not tolerate staff who attend work whilst under the influence of legal or illegal substances if such substances have been misused.
- 1.3 To support Serendipity Healthcare Ltd in meeting the following Key Lines of Enquiry:

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|------------|--|
| CARING | C1: How does the service ensure that people are treated with kindness, respect and compassion, and that they are given emotional support when needed? |
| CARING | C3: How are people's privacy, dignity and independence respected and promoted? |
| RESPONSIVE | R2: How are people's concerns and complaints listened and responded to and used to improve the quality of care? |
| SAFE | S1: How do systems, processes and practices keep people safe and safeguarded from abuse? |
| WELL-LED | W2: Does the governance framework ensure that responsibilities are clear and that quality performance, risks and regulatory requirements are understood and managed? |

1.4 To meet the legal requirements of the regulated activities that Serendipity Healthcare Ltd is registered to provide:

- Health and Safety at Work etc. Act 1974
- Misuse of Drugs Act 1971
- General Data Protection Regulation 2016
- Data Protection Act 2018

2. Scope

2.1 The following roles may be affected by this policy:

All staff

2.2 The following Service Users may be affected by this policy:

Service Users to the extent they are affected by any act of misconduct

2.3 The following stakeholders may be affected by this policy:

Commissioners

Local Authority

NHS

3. Objectives

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- 3.1 To ensure that all staff are clear on their duties and responsibilities when it comes to substance misuse, both personally and in respect of other members of staff.
- 3.2 To protect the health and wellbeing of Service Users and other members of staff, should a staff member have alcohol or drug misuse issues.
- 3.3 To promote a culture of openness in the workplace where members of staff who are suffering with issues of substance misuse are able to discuss these in confidence with their manager.
- 3.4 Serendipity Healthcare Ltd wishes to create awareness of the effects of alcohol and drug abuse and misuse in order that:
 - All staff are aware of the impact of substance misuse
 - Staff with a drug and/or alcohol problem are able, and actively encouraged, to seek help and guidance at the earliest opportunity
 - Affected staff are dealt with sympathetically, fairly, and consistently

4. Policy

- 4.1 This policy applies to all staff members including (but not limited to) employees, workers, officers, consultants, contractors, volunteers, interns, and agency workers.
- 4.2 This policy does not form any part of an employee's contract of employment or any individual's contract and may be amended at any time.
- 4.3 This policy applies to those individuals who may be suffering from an alcohol or drug-related problem. If an individual believes that they have an alcohol or drug-related problem, the individual should seek specialist advice as soon as possible. Serendipity Healthcare Ltd will take all reasonable steps to support a member of staff who is open about their substance misuse problems subject always to protecting the health and safety of Service Users, which is paramount.

This policy also applies to individuals who may have noticed a change in the pattern of behaviour of a fellow colleague. Individuals should not try to cover up any issues that another colleague appears to be suffering with as a result of an alcohol or drug-related problem.

Examples of changes in behaviour can include but are not limited to:

 - Reduced attendance in work
 - Higher number of accidents whilst at work
 - Difficulty concentrating
 - Irritability
 - General confusion
 - Increased number of mistakes
 - Problems with balance or slurred speech
 - Seeming distant and unengaged with the task in hand
- 4.4 Whilst employed by Serendipity Healthcare Ltd, an individual must not be in possession of or under the influence of illegal substances. This also includes the use of "legal highs" or psychoactive drugs which are legal substances which have the effect of illegal drugs.

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An individual must not be found to be in possession of or under the influence of alcohol during the performance of their duties.

Individuals are, at all times, also prohibited from using, selling, distributing, dispensing, purchasing, or manufacturing illegal substances on the premises of Serendipity Healthcare Ltd.

- 4.5 Any data collected as part of this policy will be processed in accordance with current Data Protection legislation, the Privacy Notice issued to staff and the Data Security and Data Retention Policy and Procedure. Serendipity Healthcare Ltd appreciates that certain health data and medical reports will be special category data and they will process this data accordingly.
- 4.6 This policy must be read alongside the Capability Policy and Procedure which contains supporting documentation.
- 4.7 This policy does not apply to prescription or over the counter medication, as directed, so long as such medication does not impact on a member of staff's ability to perform their role safely and competently.

5. Procedure

5.1 Drugs and Alcohol

If an individual believes that they may have a problem with drugs and/or alcohol, they should seek specialist advice and support as soon as possible. The individual should discuss this in confidence with a member of management. Serendipity Healthcare Ltd may be in a position to assist the individual with Occupational Health advice and other support where possible.

- 5.2 Given the nature of the business, no individual should drink alcohol before or during the working day including at lunchtime, during breaks and/or at work-based meetings and events. It will be deemed an act of gross misconduct if an individual is under the influence of alcohol whilst working. Serendipity Healthcare Ltd owes a duty of care to all Service Users and this cannot be jeopardised by individuals who are under the influence of alcohol.

- 5.3 Individuals are expected to arrive at work free from the influence of alcohol and/or drugs and to perform their roles safely and responsibly and provide the highest levels of care for Service Users.

Should an individual be unfit due to alcohol and/or drugs from the night before and fail to attend work and evidence is received which suggests that the individual was drinking heavily and/or under the influence

of drugs the night before, Serendipity Healthcare Ltd will draw inferences, conduct an investigation and take disciplinary action.

Drugs (whether prescribed, over the counter or illegal) and alcohol can impair judgement and decision-making, leading to potential health and safety implications for both the individual themselves and any Service Users that they may be responsible for at that time.

5.4 Prescription Drugs

Serendipity Healthcare Ltd appreciates that, on occasions, an individual may be required to take medication to treat an illness or condition. Such medication is permitted so long as it has been prescribed or pharmacist advice has been sought where the medication may have

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side effects that affect an individual's ability to perform their role in a safe way or affect the safety of any colleague or Service User. Should any individual have any concerns about any side effects of any medication which may impact on the above, they are required to disclose these to their manager immediately.

Serendipity Healthcare Ltd wishes to make it clear that any abuse of any medication is prohibited. Individuals who are abusing such substances in this way will be subject to the Discipline Policy and Procedure.

5.5 **Support for Drug and/or Alcohol Problems**

Serendipity Healthcare Ltd recognises that it is possible to become dependent on alcohol or drugs and that this may be as a result of an underlying medical condition, such as depression.

Where an individual believes this applies to them, they are encouraged to raise these issues with their manager in the first instance and as soon as possible. Such conversations will remain confidential. An individual may then be referred to an Occupational Health specialist who can provide a medical report on the nature of this condition and identify any appropriate treatment. The individual may also be referred to third parties who can offer advice and support. Serendipity Healthcare Ltd will have discussions with the individual about their ability to work safely and whether there are any temporary steps that could be put in place in order that the individual is able to continue working whilst receiving the necessary treatment.

The individual must ensure that they accept the support offered and make every reasonable attempt to overcome their alcohol or drug problems in a reasonable timescale. Failure to engage may result in Serendipity Healthcare Ltd having to consider bringing any arrangement with the individual to an end or progressing with a process under the Capability Policy and Procedure or the Discipline Policy and Procedure as appropriate, which could result in the termination of any employment. The first duty of Serendipity Healthcare Ltd is to ensure the protection of the health and safety of its Service Users, and any risk to this must be minimised as much as possible.

5.6 **Searches**

Serendipity Healthcare Ltd reserves the right to carry out searches for alcohol and/or drugs on the premises for any individual they suspect may be in possession of and/or under the influence of drugs and/or alcohol. This may include but is not limited to searches of the following:

- Clothing, bags, coats, and jackets
- Lockers and filing cabinets
- Personal vehicles parked on the premises
- Desks and drawers, and/or
- Packages

5.7 **Medical Examinations/Testing**

Serendipity Healthcare Ltd reserves the right to require individuals to submit to testing for substances including alcohol and drugs. Similarly, Serendipity Healthcare Ltd may also require an individual to attend a medical examination which may be carried out by a designated medical practitioner. Refusal to undergo a medical examination may constitute gross misconduct under the Discipline Policy and Procedure for employees. Inferences may be drawn from the individual's refusal to consent to a medical examination.

Medical examinations will be carried out where there is a suspicion that there has been a breach of this policy or, where an individual has previously been found to be in breach of this policy, where it is considered necessary to ensure continued compliance with this policy.

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An individual will be provided with a copy of their results from the medical examination once these are available. Prior to this happening, should the individual admit that they have an issue with alcohol and/or drugs then, where they are an employee, Serendipity Healthcare Ltd reserves the right to suspend that individual pending a decision on whether or not to treat the matter as a disciplinary offence under the Discipline Policy and Procedure, or whether Serendipity Healthcare Ltd might require the employee to undertake a rehabilitation process with a capability process under the Capability Policy and Procedure to follow. Serendipity Healthcare Ltd may choose to disregard any late admissions of drug and alcohol problems where there has been a reasonable opportunity to seek assistance from Serendipity Healthcare Ltd.

5.8 The duty of Serendipity Healthcare Ltd is to protect the health and safety of its Service Users. The abuse of drugs and/or alcohol in the workplace is inconsistent with this duty and Serendipity Healthcare Ltd has no option but to take every instance seriously in order to protect Service Users

6. Definitions

6.1 Occupational Health

- The branch of medicine dealing with the prevention and treatment of job-related injuries and illnesses

6.2 Substance Misuse/Abuse

- A patterned use of a drug (which includes legal highs, alcohol and prescription and over-the-counter medicines) in which the user consumes the substance in amounts or with methods which are harmful to themselves or others, and is a form of substance-related disorder

6.3 Special Category Data

- Special Category Data is a category of data which is more sensitive than normal personal data. This includes data which relates to:
 - Race
 - Ethnic origin
 - Politics
 - Religion
 - Trade union membership
 - Genetics
 - Biometrics (where used for ID purposes)
 - Health
 - Sex life
 - Sexual Orientation

Last Reviewed:
27th January 2022
Lisa Ward
HR Manager

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