



**Coventry and  
Warwickshire**  
Integrated Care Board

# Substance Misuse Policy

Reference Number:	This will be applied to all new ICB-wide PPSs by the Governance and Corporate Affairs Team and will be retained throughout its life span.
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Name of reviewer and title:	Theresa Nelson, Chief People Officer, ICB
Department:	Corporate Office

#### VERSION HISTORY

Date	Version	Changes made to previous version	Consulting and Endorsing Stakeholders, Committees / Meetings / Forums etc.

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## 1 INTRODUCTION

- 1.1 NHS Coventry and Warwickshire Integrated Care Board ('the ICB') is committed to promoting the general wellbeing of all its employees and recognise that substance misuse cannot only affect their health but also attendance, work performance and relationships with colleagues.
- 1.2 Substance misuse is the term used within this policy to include the misuse of alcohol and the use of all illicit drugs plus the use of performance enhancing drugs, legal highs, un-prescribed drugs, and the inappropriate use of prescribed drugs.
- 1.3 All employees have a responsibility to attend work, free from the current and the post effects of the substances described above.
- 1.4 This policy is designed to help and assist employees with such problems and to provide managers with guidance for managing the effects of substance misuse by employees. It aims to encourage members of staff to seek help and support, to be confident that help and support will be made available/offered and provided in an effective and confidential way. The overall aim is to support staff during their employment in the ICB.
- 1.5 Occupational Health will be involved at all times, and other relevant parties (for example GP's, Social Services, Alcoholics Anonymous etc.) where appropriate.
- 1.6 This document applies to staff employed by the ICB, including those who are seconded out to another organisation, and will be applied consistently and equitably to all staff. It does not apply to staff employed by other organisations and seconded into the ICB (those staff are the responsibility of their substantive employer), agency staff or contractors (e.g. those engaged on a contract for service).
- 1.7 Useful contacts for further support can be found in Appendix 1.

## 2 PRINCIPLES

- 2.1 Training and support will be provided to all Line Managers in the implementation and application of this policy.
- 2.2 This policy will be applied to all employees of the ICB, regardless of their employment contract type or length of service.
- 2.3 All employees are individually responsible for taking all reasonable precautions to ensure their fitness for work
- 2.4 No employee should report for duty or attend work related meetings under the influence of either alcohol or illicit drugs. Employees who are taking prescribed medication must inform their Manager if they think it may have an adverse effect on their ability to carry out their duties.
- 2.5 The consumption during working hours of alcohol or use of any substance that may impede an employee's working capability, is prohibited.
- 2.6 No alcohol should be brought into or consumed on any ICB premises at any time. This includes business functions where the employee is representing the ICB. Special rules may apply in relation to alcohol where the ICB sponsor an event for staff e.g. a Christmas party. In these circumstances any variation to the no-alcohol policy will be communicated in advance of the event.
- 2.7 The misuse of any substance in the context of this policy is defined as:-

'Behaviours resulting from the misuse of alcohol, drugs and other substances which harm, or have the potential to harm, the individual (physically or mentally) and, through the individual's actions, other people and the environment.'

### **3 ROLES & RESPONSIBILITIES**

#### **3.1 Line Manager Responsibilities**

- Ensure that they understand their obligations within this policy.
- Ensure that all staff are aware of this policy and understand their entitlements and obligations within this policy.
- Promote and implement employment practices in accordance with this policy, supporting staff wellbeing and enabling a healthy work/life balance.
- Seek help and advice from Occupational Health (OH) and Human Resources (HR) when matters are complex or further guidance is required.

#### **3.2 Employee Responsibilities**

- Ensure that they understand their obligations within this policy.
- Understand their entitlements in line with this policy, their employment contract and if applicable personal circumstances.
- Seek help and advice from their line manager, OH or HR when matters are complex or further guidance is required.

#### **3.3 Human Resources Responsibilities**

- Ensure that the ICB has robust HR policies and procedures in place which are legally compliant and adhere to the principles of fairness, equality and diversity.
- Provide support and guidance to managers and staff as required in relation to applying the policy.
- Advise the responsible Director (or their deputy) for Governance and Corporate Affairs of any non-compliance with this policy for consideration of further action.

### **4 PROCEDURE**

#### **4.1 The misuse of any substance may result in the following effects: -**

- lateness and absenteeism;
- loss of productivity and poor performance;
- health and safety concerns;
- unacceptable behaviour or poor conduct;
- adverse effects on team morale and morale of colleagues;
- adverse effects on either ICB's image or customer relations.

This list is not exhaustive.

#### **4.2 Substance misuse can affect the performance of staff in several ways and it may not be appropriate to deal with every situation in the same way. There may be an immediate situation requiring resolution or an ongoing performance issue to be managed. For example: an incident may occur as a result of a member of staff being under the influence of alcohol, drugs or other substances; a pattern of regular**

absences may emerge, or a complaint may be received about a member of staff which indicates there may be a substance misuse problem; performance may gradually deteriorate over time.

- 4.3 All employees must be fit to commence their duties and must remain so throughout their working day. If an employee is unfit or becomes unfit, in the manager's opinion because of substance misuse, they will not be allowed to commence work or will be sent home to recover. On return to work they will be subject to a return to work interview which may, according to the circumstances, result in disciplinary action being instigated. (Please refer to the ICB's Disciplinary Procedure).
- 4.4 Some acts of misconduct while under the influence of any substance may be so serious that they must be considered as acts of gross misconduct rendering the employee liable to dismissal. (Please refer to the ICB's Disciplinary Procedure). This will include endangering the health and safety of themselves, colleagues, or other persons.
- 4.5 Misconduct will also include being found to be illegally in possession of, the supply of, or taking of a controlled or uncontrolled drug at work or outside of work if that has a bearing on their suitability to continue in post.
- 4.6 Employees who have a substance misuse problem, or who suspect they may have a problem, are encouraged to seek help either by discussing the matter confidentially with their immediate manager, or an external agency (see appendix 1), Occupational Health, Human Resources, or their General Practitioner.
- 4.7 Staff can also request a confidential referral to Occupational Health for help and support. Clinical details and advice to staff are kept in the strictest confidence, and Occupational Health only divulge details with written agreement from the member of staff, except in cases where there may be a serious risk to that person, patients, other staff or the public. Requests for assistance will be treated in strict confidence and will in no way affect the employee's job security, benefits etc. Information will only be released to third parties on a "need to know" basis.
- 4.8 Managers or colleagues who suspect an employee of having a substance misuse problem should discuss their concerns with a Human Resources Adviser, before approaching the individual.
- 4.9 As with any problem affecting ability to work, the line manager must take initial action. It is important to identify any ongoing problem at an early stage when help can be made available. It would not normally be necessary to suspend an employee pending investigation, unless there could be a risk to themselves, a patient, or another member of staff. Suspension (if necessary) must be carried out in accordance with the ICB's Disciplinary Procedure.
- 4.10 Managers, following discussion with the employee, should refer cases of suspected or admitted substance misuse to Occupational Health. The written consent of the member of staff should normally be obtained, but if there is a serious concern and they refuse to give their consent, the management referral should proceed.
- 4.11 Dealing in, or possession of illegal substances on work premises will be reported immediately to the police and will be managed under the ICB's Disciplinary Policy.
- 4.12 Managers are encouraged to recognise that staff may be adversely affected by the drinking, drug taking or substance misuse of others. Information about internal and external sources of advice and support is available from Occupational Health or Human Resources.
- 4.13 If an alcohol or substance misuse problem is admitted, managers should advise the member of staff what support can be provided. Consideration may need to be given to re-allocation to other duties during and after rehabilitation, depending on the circumstances. If after help and support, the situation does not improve, the member of staff should be advised of the implications of continuing problems

with their performance or behaviour or absence and should be given an indication of how the situation will be monitored under the relevant policy, and over what time-scale.

- 4.14 Staff may deny having a drink or substance misuse problem. If this happens, the situation should be dealt with by making clear what improvement is required in their performance, behaviour, or absence, within a stated time-scale, and how the situation will be monitored. The member of staff should also be advised who they can approach confidentially for help and advice. Reference should be made by the line manager, with HR guidance as required, to the ICB's Managing Work Performance, Disciplinary, or Absence Management policies as appropriate.
- 4.15 If there is no improvement within the timescales confirmed by the line manager under the informal sections of the Managing Work Performance or Disciplinary policies, (if either is applied), the line manager must contact Human Resources to obtain advice and support on implementing the formal process of either policy.
- 4.16 Should any individual refuse help or discontinue a programme of treatment, this should not in itself be grounds for disciplinary action. However, unacceptable behaviour and standards of work, or actions endangering patients, members of the public or other staff will be dealt with through normal disciplinary procedures. Every case and its circumstances will be individually considered.
- 4.17 If a programme of rehabilitation is introduced then the employee can take sick leave whilst being helped and will therefore be entitled to the benefits that accrue.
- 4.18 If an employee is required to complete a rehabilitation period in line with the Absence Management Policy, then normal arrangements (as outlined in that Policy) will apply. Where a rehabilitation period is attached as a sanction to a formal warning, the employee will be responsible for complying with this condition.
- 4.19 All employees' terms and conditions will be maintained during any programme of treatment for alcohol or substance misuse.
- 4.20 The ICB will endeavour to offer help and assistance to any employee who has a substance misuse issue; however, it is also the responsibility of the employee to accept this help and assistance to improve their condition. If they choose not to accept this help and assistance and their condition continues to be cause for concern, disciplinary action may be considered.
- 4.21 Every effort will be made to ensure the employee returns to their job on completion of the rehabilitation programme. In cases where the employee is not considered fit to return to the same job, or where doing so may undermine recovery, efforts will be made to find suitable alternative employment. This may include, if necessary, a period of retraining.
- 4.22 If, after returning to employment during or following the rehabilitation programme, there is a recurrence of the substance misuse issue, each individual case will be considered on its merits at that time. A further opportunity may be given to commence an additional rehabilitation programme if appropriate, however, disciplinary action (which could include dismissal), may be considered if all avenues have been exhausted and no improvement has been made.
- 4.23 If, whilst under the influence of alcohol, drugs or other substances at work, a member of staff were to behave in a way which could be regarded as gross misconduct; for example, carries out an assault, behaves indecently, causes malicious damage to property or threatens in any way the health or safety of a patient, a member of the public or another member of staff; then, irrespective of whether support may also be appropriate for an underlying problem, disciplinary action will be taken which could result in dismissal.

## **5.0 APPEAL PROCESS**

- 5.1 If the employee feels that the content of this policy and/or its processes have been misapplied, they should discuss the matter with their line manager in the first instance, putting their case in writing within 5 days of the relevant action/issue arising. If the manager upholds the decision s/he should respond in writing setting out the reasons for the decision within 5 days.
- 5.2 If the employee still feels aggrieved by this decision the employee should appeal through the Grievance procedure.

## **6 DATA PROTECTION**

- 6.1 In applying this policy, the Organisation will have due regard for the Data Protection Act 2018 and the requirement to process personal data fairly and lawfully and in accordance with the data protection principles. Data Subject Rights and freedoms will be respected, and measures will be in place to enable employees to exercise those rights. Appropriate technical and organisational measures will be designed and implemented to ensure an appropriate level of security is applied to the processing of personal information. Employees will have access to a Data Protection Officer for advice in relation to the processing of their personal information and data protection issues”.

## **7 EQUALITY STATEMENT**

- 7.1 In applying this policy, the ICB will have due regard for the need to eliminate unlawful discrimination, promote equality of opportunity, and provide for good relations between people of diverse groups, in particular on the grounds of the following characteristics protected by the Equality Act (2010); age, disability, gender, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, and sexual orientation, in addition to offending background, trade union membership, or any other personal characteristic.
- 7.2 As part of the ICB’s equal opportunities monitoring, all disciplinary hearings are monitored on a rolling annual basis. Subsequently information may be held on the disciplinary monitoring register longer than the duration of the warning itself.

## **8 MONITORING**

- 8.1 The policy and procedure will be reviewed periodically by Human Resources in conjunction with the ICB Board. Where review is necessary due to legislative change, this will happen immediately.

## Appendix 1 Useful Contacts (Including National Helpline Numbers):-

### NHS Live Well

On line tool with information on addiction and details of support available

Website: <https://www.nhs.uk/Livewell/Addiction/Pages/addictionhome.aspx>

### NHS One You- Drinking

Online Tool - Tips and Advice for cutting down on alcohol.

Website <https://www.nhs.uk/oneyou/drinking#xvsQEm73mmdHsRS8.97>

### Alcoholics Anonymous

Self-help fellowship of men and women offering support and advice to people with alcohol problems or concerns.

Tel: 0800 9177 650

Email: [help@aamail.org](mailto:help@aamail.org)

Website: [www.alcoholics-anonymous.org.uk](http://www.alcoholics-anonymous.org.uk)

### FRANK (National Drugs Helpline)

Provides friendly, confidential advice on everything you might want to know about drugs (and some stuff you don't).

Tel: 0300 123 6600

SMS: 82111

Email: [frank@talktofrank.com](mailto:frank@talktofrank.com)

Website: [www.talktofrank.com](http://www.talktofrank.com)

### Action on Addiction

A national charity which offers high quality, effective residential rehab and community-based addiction treatment to individuals and families dealing with alcoholism, drug addiction and prescription drug addiction.

Tel: 01747 832 070

Email: [AOA@actiononaddiction.org.uk](mailto:AOA@actiononaddiction.org.uk)

Website: [www.actiononaddiction.org.uk](http://www.actiononaddiction.org.uk)

### Samaritans

A registered charity aimed at providing emotional support to anyone in emotional distress or struggling to cope (24 hours a day, 365 days per year)

Tel: 116 123

Website: [www.samaritans.org](http://www.samaritans.org)

### Narcotics Anonymous

Narcotics Anonymous is a non-profit fellowship or society of men and women for whom drugs had become a major problem.

Tel: 0300 999 1212

Email: [meetings@ukna.org](mailto:meetings@ukna.org)

Website: [www.ukna.org](http://www.ukna.org)

### Employee Assistance Helpline

[www.validium.com](http://www.validium.com)

Tel: 0800 028 7660

### Alcoholics Anonymous

Tel: 0845 769 7555

[www.alcoholics-anonymous.org.uk](http://www.alcoholics-anonymous.org.uk)

### Citizens Advice

[www.adviceguide.org.uk](http://www.adviceguide.org.uk)

Change Grow Live (CGL) –Coventry  
1A Lamb Street Coventry CV1 4AE Tel: 02476 010241  
<https://www.changegrowlive.org/drug-alcohol-service-coventry/info>

Change Grow Live (CGL) - Rugby  
35-37 Albert Street Rugby CV21 2SG Tel: 01926 353513  
<https://www.changegrowlive.org/drug-alcohol-service-warwickshire>

Change Grow Live (CGL) - Nuneaton  
112 Abbey Street Nuneaton CV11 5BX Tel: 01926 353513  
<https://www.changegrowlive.org/drug-alcohol-service-warwickshire>