



SUBSTANCE MISUSE (DRUGS AND ALCOHOL) POLICY

Policy Statement

Public Health Wales aspires to create a vibrant, inclusive, and healthy culture where all our people are supported to thrive.

As an organisation, we have a duty of care for our staff and, in line with our values of working together with trust and respect to make a difference, we want all staff to be treated with dignity, trust and respect, and with a kind and compassionate approach.

We are committed to creating and nurturing a positive, flexible and sustainable work environment. Our aspiration is to be an exemplar organisation for wellbeing, where our staff are supported to ensure that their experience of work enables them to be healthier, happier in work, and able to be at their best.

Public Health Wales recognises the importance of promoting the highest standards of awareness, health, safety and welfare of its employees in all matters and issues relating to substance misuse, in and out of the workplace.

This Policy is designed to provide clear guidance to identify and address substance misuse in the workplace including alcohol and/or drugs including medications not taken as prescribed. The Policy aims to encourage and support those with substance misuse issues to seek appropriate professional support early and access treatment to promote and maintain their health and wellbeing.

Policy Commitment

This Policy aims to ensure that the Trust treats issues relating to substance misuse as health concerns, underpinned by a confidential, caring and supportive approach applied to those affected, in support of the belief that early intervention, combined with a proactive and consistently applied approach, is key to the successful resolution of work-based concerns.

The Policy complies with the below listed legislative instruments:

Health and Safety at Work Act 1974 - section 2 – which places a duty on an employer to ensure, as far as is reasonably practicable, the health, safety and welfare at work of their employees.

Management of Health and Safety at Work Regulations 1999 – which places a duty on an employer to assess the risks to the health and safety of

employees. This means an employer can be prosecuted if they knowingly allow an employee to continue working while under the influence of alcohol or drugs and their behaviour places the employee themselves or others at risk.

Misuse of Drugs Act 1971 – which make it an offence for someone to knowingly permit the production, possession, supply or use of controlled drugs on their premises except in specified circumstances (for example drugs prescribed by a doctor).

Further, although not applicable to all workplaces, the below Acts also put obligations on employers and workers:

Road Traffic Act 1988 – which states that any person who, when driving or attempting to drive a motor vehicle on a road or other public place, is unfit to drive through drink or drugs shall be guilty of an offence.

Transport and Works Act 1992 – which makes it a criminal offence for certain workers to be unfit through drugs and/or drink while working on railways, tramways and other guided transport systems.

Psychoactive Substances Act 2016 – which makes it illegal to consume, produce, supply, import or export a substance that has psychoactive properties and may be used for this purpose. There are exemptions in the Act to cover things like medical products, food, caffeine, alcohol and nicotine.

The Director of People and OD is responsible for overseeing the implementation of this policy and will provide information to the Business Executive Team in relation to issues raised in line with this Policy.

Supporting Procedures and Written Control Documents

[All corporate policies and procedures are available on the Public Health Wales website](#)

Other related documents are as listed below:

- Capability Policy
- Disciplinary Policy
- My Contribution Policy
- Managing Attendance at Work Policy
- Smoke Free Environment Policy
- Mental Wellbeing Policy
- Confidentiality/Data protection Policy

In addition policies relating to the provision of the organisation's Occupational Health and Employee Counselling Services are directly applicable to the Substance Misuse Policy.

Scope

This Policy applies to all employees and workers of Public Health Wales, including those within hosted bodies, those with honorary contracts, agency

workers, temporary and fixed term staff and seeks to provide further guidance and clarify responsibilities of both line managers, members of the People and OD Team, and the organisation's outsourced Occupational Health providers.

Equality and Health Impact Assessment	An Equality, Welsh Language and Health Impact Assessment has been completed and can be viewed on the policy webpages.
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Accountable Executive Director/Director	Neil Lewis, Director of People and Organisational Development
Author	Ruth Tofton, People and OD Advisor Josie Smith, Head of Substance Misuse Programme

[Disclaimer](#)

If the review date of this document has passed please ensure that the version you are using is the most up to date either by contacting the document author or [Corporate Governance](#).

Summary of reviews/amendments

Version number	Date of Review	Date of Approval	Date published	Summary of Amendments
V3	October 2021 – July 2022	06 September 2022	12 September 2022	<ul style="list-style-type: none"> • Amendment to Policy statement to align more closely with the organisational culture we seek to develop. • Scope to include Contractors and Agency workers. • Amendment to Definitions. • Revision of Policy Aims and Objectives. • Additions to Roles and Responsibilities for All Staff.

				<ul style="list-style-type: none">• Additions to dealing with someone who has confirmed substance misuse issue.• Revised guidance on management of employee suspected of substance misuse.• Addition of consequences for employees who are in possession of illicit substances.• Addition of Trust's stance on substance misuse testing.
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1 Introduction

As an employer of people, and provider of health care services, Public Health Wales recognises the importance of promoting the highest standards of awareness, health, safety and welfare of its employees in all matters and issues relating to substance misuse, both drugs and alcohol, in and out of the workplace. We also recognise the potential adverse effects of alcohol and drug use, including medications not taken as prescribed, on the health and wellbeing of employees, and the consequential impact on service users.

Issues relating to substance misuse should be treated as health concerns, with an underpinning confidential, caring and supportive approach applied to those affected. Early intervention, combined with a proactive and consistently applied approach, is key to the successful resolution of concerns.

However, if a manager has reason to believe that an employee has attended work while unfit to do so, due to use of alcohol, drug or other substances, please consult Section 5.3 for advice, alongside the Disciplinary Policy and supporting information, [Public Health Wales | Dealing with Someone Arriving Unfit for Work](#).

2 Definitions

Substance misuse is formally defined as the continued use of any psychoactive substance that substantially affects a person's physical and mental health, social situation and responsibilities. The most severe forms of substance misuse are normally treated by specialist drug and alcohol rehabilitation services. Substance misuse covers misuse of a range of psychoactive substances including alcohol, illicit drugs and licit drugs including prescribed medications taken in a way not recommended by a GP or the manufacturer.

For the purposes of this policy: alcohol, illicit drugs, prescribed drugs, image and performance enhancing drugs and misuse of volatile substances are also included in the definition of substances that could adversely affect work performance and/or health and safety. The use of alcohol or drugs other than medications taken as prescribed in the work environment is included in the term substance misuse for the purposes of this policy.

3 Policy Aims and Objectives

- To promote the health and welfare of Trust employees and to protect patients, service users, employees and visitors to the Trust in relation to substance misuse as defined.

- To establish effective and consistent guidelines on the substance misuse by Trust employees whilst on Trust premises or whilst engaging on Trust business on non-Trust premises.
- To provide a framework to allow equitable management of staff experiencing substance misuse issues at work whilst as well as ensuring all reasonable steps are taken to support staff.
- To clearly state the responsibilities of managers, staff and support services when dealing with employee's substance misuse issues and to encourage them to identify and seek support early on.
- To ensure the provision of consistent advice and support for any staff who may have a substance misuse issues and to encourage them to seek help early on to avoid the possibility of escalation.

4 Roles and responsibilities

4.1 All staff

- Staff must not drink alcohol or take drugs, other than medications prescribed to them, at work, or when on a lunch break or other break from work. Alcohol must not be consumed at corporate functions, whether on Public Health Wales or other premises.
- Commitment and contribution to a healthy workplace.
- Foster a safe and supportive working environment.
- Duty of care to all colleagues and to ensure protection of clients and patients.
- Interconnectedness with other agencies and departments.
- Responsibility to be aware of this and all other relevant policies.
- All staff must not consume alcohol or drugs at any time whilst at work including drug breaks spent away from the work premises. Exceptions include medications prescribed to the individual or over the counter medications used for the purpose intended and in line with pharmacist/manufacture instructions.
- All staff must not bring in to work any illicit substances.
- All staff must notify line management if they have been prescribed medications that may cause side effects or impair their ability to undertake their duties safely and effectively, or if they begin to experience side-effects. They are not obliged to discuss the medical

condition for which they are being prescribed, nor name the medications, merely the side-effects.

4.2 Line managers

- Awareness, responsibility and pro-active engagement to ensure wellbeing of staff.
- Encouragement and support to staff to make positive lifestyle and wellbeing choices.
- Monitor performance, behaviour and attendance of employees in line with usual supervisory duties.
- Commitment to a pro-active approach and intervention at an early stage where changes in performance, behaviour, absence levels or attendance patterns are identified, to establish whether substance misuse is an underlying cause.
- Responsibility to encourage employees to seek relevant confidential support.
- Awareness of when and how to access additional support, a requirement to instigate other procedures where appropriate and to maintain accurate records of events throughout proceedings.

4.3 Employees

- Awareness of own responsibility for health and wellbeing.
- Behave in a professional and appropriate manner whilst fulfilling contract of work.
- Engage with any programmes of support put in place by management and other relevant agencies.
- Encourage colleagues to seek support and raise concerns in a timely manner.
- Responsibility to raise concerns confidentially with line manager if they are concerned that a colleague needs support but does not wish to seek help.

4.4 People and Organisational Development (People and OD)

- Development of resources to support skills development for managers, including awareness raising, symptoms to be aware of and how to handle difficult conversations.
- Support managers and employees in appropriate decision making and in accessing specialist help including Care First counselling support, <https://www.care-first.co.uk/about-us/>.
- Ongoing development of Policy and provision of shared learning, best practice and case studies.

4.5 Occupational Health

- Provision of timely expert and confidential guidance and support, tailored to individual circumstances.
- Signposting and referral to relevant support agencies as required including support to access Care First counselling support, <https://www.care-first.co.uk/about-us/>.

5 Procedure

5.1 Recognising a problem

Substance misuse issues may affect performance and behaviour in a variety of ways and each situation will require an individualised response, for example:

- A member of staff attends work and appears to be under the influence of alcohol or drugs, consult Section 5.3 for advice, alongside the Disciplinary Policy and supporting information, [Public Health Wales | Dealing with Someone Arriving Unfit for Work](#)
- A pattern of regular absences become apparent, particularly around start and finish of the working week which may indicate a substance misuse issue.
- Performance and attitude to colleagues shows a pattern of deterioration over time.

Please note, ill health, be it physical or mental, as well as prescription medication can have adverse effects on performance and behaviour at work. It is important to discuss concerns early and in a confidential and supportive manner to understand the underlying cause of issues.

5.2 Dealing with someone who has a potential or confirmed substance misuse issue (see Appendix 2 for further detail)

All cases should be dealt with in a confidential and supportive manner. Disciplinary action will not normally be appropriate unless a manager has reason to believe that an employee has attended work while unfit to do so, due to use of alcohol, drug or other substances. In which case they should consult Section 5.3 for advice, alongside the Disciplinary Policy and supporting information, [Public Health Wales | Dealing with Someone Arriving Unfit for Work](#).

When you become aware of the issue, you should:

1. Keep ongoing, accurate and confidential records of performance issues or other behavioural concerns.
2. Contact a member of the People and OD Team via PeopleSupport.PHW@wales.nhs.uk to make them aware of your concern, seek confidential advice and outline/ agree your initial plan for action.
3. Speak to your employee about your concerns in confidence as early as possible in the process – you may need the support of a member of the People and OD Team at this meeting:
 - a) Concentrate on any instances of poor performance an/or behaviour that have been identified.
 - b) Seek to understand any underlying reasons by asking the individual what they think may be contributing to the situation.
 - c) If appropriate, discuss this Policy and the help and support available inside or outside of your organisation.
 - d) Agree future action and sources of advice and support including confidential self-referral to Occupational Health.
4. Arrange regular meetings to monitor progress and discuss any further problems if they arise. Keep an accurate and confidential record of all actions or referrals agreed.
5. In the event of referral to Occupational Health, obtain written consent, however, in the event of serious concern, or on refusal of consent, the management referral should proceed.

6. Agree time off for treatment in accordance with other policies relating to leave, e.g. Managing Attendance at Work, Annual Leave Policy.
7. If performance and/or behaviour return to satisfactory levels following treatment and support, no further action will be required and regular reviews continue as appropriate.
8. If performance and/or behaviour do not improve, line management will manage the situation in line with the organisation's Disciplinary and/or Capability Policy.

5.3 Management of Employees at work suspected of being under the influence of substances

Step 1 - Should a member of staff arrive at work displaying a number of signs described in the [Signs and Symptoms](#) page, the manager should arrange to meet with the employee privately and informally to determine:

- Whether they have consumed any drugs and/or alcohol within the last 24 hours; and if so, how much and when (including when they last took any drink and/or drugs).
- How they travelled to work; and
- If they go home, who is there to be with and, support them.

Step 2 – Using the information gained at this meeting, determine whether there is a belief that they are fit for work. In all situations, caution should be exercised before allowing them to continue working. Advice may be sought from the People and OD Team.

Step 3 – If there is any doubt that they are fit for work, then either:

- Send them home. Ideally, they should not be sent home alone and they should not be allowed to drive. Consider contacting a family member to take them home or, alternatively, use a taxi; or
- Take them to a room in which they will feel safe. Do not let them return to work unless they are completely fit to do so. A second opinion should be sought, preferably from Occupational Health who will be able to offer a medical judgment.

Step 4 - An accurate and confidential record should be made of all actions undertaken.

5.4 Possession or consumption of illicit substances in the workplace

Any member of staff proven to have brought in or consumed an illicit drug on the organisation's premises will be reported to the police who will undertake the relevant investigations.

5.5 Screening and Testing

It is not the organisation's policy to undertake regular or random employment or pre-employment screening to detect the use of drugs, alcohol and/or other substances.

6 Further sources of advice and information

Supporting information can be found on the Our People page of the intranet site.

7 Implementation

All staff will be made aware of this Policy upon commencement with Public Health Wales and when approved. Copies can also be viewed on Public Health Wales Internet or obtained via the People and OD department by contacting PeopleSupport.PHW@wales.nhs.uk

In the event that individuals need to use this Policy, advice and guidance can be sought from PeopleSupport.PHW@wales.nhs.uk

8 Equality and Welsh Language

The policy aims to support staff irrespective of their language and is available in both English and Welsh.

9 Audit

The named lead will monitor this Policy to ensure it is compliant with current legislation, to ensure it is effectively implemented, and ensure that it is reviewed in accordance with the timetable for review.

10 Review

This policy will be reviewed after 3 years through consultation with employees, managers and trade union representatives, with the aim of review against aims and objectives.

We are continually looking to improve our employment practices and welcome any feedback you may have in relation to this Policy. Feedback can be provided by emailing, PeopleSupport.PHW@wales.nhs.uk

Appendices

Appendix 1 – What are the potential signs and symptoms?

Substance misuse may influence judgement, concentration and co-ordination and a range of other behaviours and functions. The following indicators are signs of possible substance misuse. However, it is important to note that these can also be caused by other factors, such as stress, physical illness, mental health problems or the effects of prescription drugs. As such each case should be considered on its merits:

- repeated patterns of depression, or fatigue from sleeplessness, which last two to three days
- erratic performance
- unusual irritability or aggression
- overconfidence
- inappropriate behaviour
- sudden mood changes
- reduced response times
- a tendency to become confused
- reduced productivity
- absenteeism
- poor time-keeping
- lack of discipline
- deterioration in relationships with colleagues

Appendix 2 – Flowchart for dealing with potential or confirmed substance misuse issues

