
Drug & Alcohol Policy



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|----------------------------|----|
| Drug & Alcohol Policy | 1 |
| 1. Introduction | 2 |
| 2. Responsibilities | 5 |
| 3. Drugs & Alcohol Testing | 7 |
| 4. Procedure | 8 |
| 5. Exclusions | 11 |

Drug & Alcohol Policy

1. Introduction

- 1.1. B3 works within a recovery philosophy and expects its staff, workers and volunteers to adhere to this ethos in the interests of both individual and organisational well-being.
- 1.2. Our ability to provide services to our service users, raise funds and develop and improve services to service users depends on our ability to maintain effective working relationships with funding bodies and referral agencies and safeguarding our reputation as a professional organisation. If you misuse drugs or alcohol, whether in work or your private life, this can impact on both our direct work with service users and on B3's professional standing as a reputable charity.
- 1.3. This policy and procedure applies to all B3 employees, regardless of length of service and contractual status.
- 1.4. B3's policy commitment also extends to workers engaged on "casual" or "zero hours" agreements, as independent contractors, or as volunteers. Given the differing nature of the relationships with these different groups the mechanics of the support available will be different.
- 1.5. The purpose of this policy and procedure is to:
 - 1.5.1. To encourage an open and supportive environment whereby you can seek support where necessary
 - 1.5.2. To ensure that you are clear about the support you can expect from B3 should you make a disclosure, and the workplace consequences should you not seek support
 - 1.5.3. To provide a consistent framework for managers that provides a fair balance between your needs and those of the organisation
 - 1.5.4. To acknowledge that you and B3 have an important part to play in optimising your health and well being and to set out how both can contribute to this
- 1.6. As an organisation it is essential for all of our employees to embrace our values, this in turn will help us to achieve our aims and our strategic direction that is:
 - 1.6.1. We will not rest until every person with drug or alcohol problems has access to the best service and support that enables them to change their lives and unlock their full potential.
- 1.7. B3 recognises that substance misuse may impact on an individual's mental wellbeing.
- 1.8. B3 expects that you will recognise that the excessive consumption of alcohol, the use of illicit drugs or the misuse of prescribed drugs will cause potential harm to you and others. It can lead to absence from work, behaviours and actions that

put additional pressure on colleagues and jeopardise the level of quality and service provided by B3. You are also expected to recognise that such behaviour could undermine the ethos of the work we do and has potential to do real damage to B3 credibility and therefore its reputation.

- 1.9. B3 expects that you disclose to your line manager where you are using illicit drugs, misusing prescribed drugs or consuming excessive alcohol.
- 1.10. You cannot come to work or enter B3 or partner premises while under the influence of alcohol or drugs.
- 1.11. You cannot bring illicit drugs into B3 or partner premises. If you are found with illicit drugs on site this will be managed in accordance with B3's Disciplinary Policy and the police may become involved.
- 1.12. No alcohol may be brought into or consumed in B3 or partner premises, unless specifically approved by the Service Manager.
- 1.13. Actions outside work that break the law as a result of drink or drugs will be investigated.
- 1.14. Should B3 have cause to believe that you are using illicit drugs or misusing alcohol or prescription drugs that you have not told us about, you will be asked about this and may be subject to an alcohol and/or drug test. If it is found that you have a positive reading then this will be investigated in accordance with B3's Disciplinary Policy.
- 1.15. For the purposes of this policy, 'stability' is defined as being free of illicit drugs; taking prescribed medication in accordance with the instructions of the prescriber and consuming alcohol to manageable levels so that consumption has no detrimental affects on your capability or conduct at work. Any individuals prescribed Methadone or Buprenorphine as substitute opiate therapy (with or without medication on their person) will be required to seek treatment to cease their usage and will, where possible, be redeployed to a non-client interfacing role for a maximum period of 4 months should such a role exist. If a role does not exist they will be offered the opportunity of an unpaid leave of absence.
- 1.16. For the purposes of this policy, a 'lapse' is defined as a temporary deviation into a previous behaviour of substance misuse.
- 1.17. For the purpose of this policy, a 'relapse' is defined a return to previous behaviours by an individual who previously drank alcohol problematically or used drugs.
- 1.18. Prescribed medication is defined as a substance that is authorised in writing by the patient's Doctor or Independent Prescriber for treating/preventing disease, making a medical diagnosis, restoring/correcting/modifying/maintaining physiological or psychological functions.
- 1.19. B3 aims to support those concerned about or experiencing problems with drug or alcohol misuse by:

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- 1.19.1. Engaging in regular dialogue e.g. through supervision.
 - 1.19.2. Monitoring attendance and identifying any jobs or teams where absence is high with a view to understanding and tackling any underlying reasons.
 - 1.19.3. Monitoring behaviour, especially changes in behaviour with a view to understanding and tackling any underlying reasons.
 - 1.19.4. Creating an inclusive environment where you are valued and respected.
 - 1.19.5. Providing support and encouragement to you should you recognise and seek treatment to deal with substance misuse.
 - 1.19.6. Providing access to the Employee Assistance Programme which offers information on a wide range of matters including substance misuse, as well as a 24/7 confidential counselling service.
 - 1.19.7. Providing an approved, independent occupational health service that you may be referred to.

1.20. The Legislative Framework

- 1.20.1. Under the Health and Safety at Work Act 1974, B3 has a duty to ensure the health, safety and welfare of those we engage. We must ensure that individuals do not injure themselves or endanger the public or colleagues. Similarly you are required to take reasonable care of yourself and others who could be affected by your actions at work.
- 1.20.2. The Road Traffic Act 1998 makes it illegal for any person to drive or attempt to drive a motor vehicle while unfit to drive through the use of a substance. This includes prescribed and over-the-counter medication, as well as illegal drugs or alcohol.
- 1.20.3. It is the role of the Service Manager to ensure that the roles afforded to them outlined in this policy are fulfilled.

1.21. Is addiction a disability?

- 1.21.1. Disability is one of the protected characteristics identified under the provision of the Equality Act 2010 under which Section 1 of the Disability Discrimination Act 1995 defines a disabled person as someone who has 'a physical or mental impairment which has a substantial and long-term adverse effect on his ability to carry out normal day-to-day activities'.
- 1.21.2. In accordance with regulation 3 of the Disability Discrimination (Meaning of Disability) Regulations 1996 addiction to alcohol, nicotine or any other substance does not amount to an impairment for the purposes of the Disability Discrimination Act 1995 (DDA) unless the addiction was the result of the administration of medically prescribed drugs, other medical treatment or a chronic condition.

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- 1.21.3. Impairments brought on by addiction, e.g., liver damage caused by alcoholism, are covered by the DDA. This is made clear in paragraph 11 of the 'Guidance on matters to be taken into account in determining questions relating to the definition of disability'.

2. Responsibilities

- 2.1. Should you make a disclosure that you are using illicit drugs or misusing alcohol or prescription drugs, B3 will seek to support you. The detail of this support will be determined by your use of illicit drugs or misuse of alcohol or prescribed drugs (what and how often), the impact this is having on your work performance and your job. The exception is where there are misconduct or health and safety issues in which case such behaviour will be investigated in accordance with the Disciplinary Policy.
- 2.2. B3 recognises that individuals who have previously used drugs and/or alcohol problematically may be vulnerable to lapse or relapse. It also recognises that there may be those who experience problematic use for the first time. This policy provides a process for supporting employees to remain substance free or regain abstinence from the problematic substance use.
- 2.3. Manager's responsibilities
- 2.3.1. You are expected to be alert to the symptoms of drug and alcohol misuse and the signs of problems that could be caused by drug or alcohol dependency. You should be proactive if such situations arise by notifying management and the Board of Trustees.
- 2.3.2. Signs may include the following:
- Increased absenteeism
 - High accident levels (at work or social/pleasure) and any breaches of health and safety requirements
 - Behaviour that may damage B3's reputation
 - Employee theft
 - Deterioration in performance
 - Mood swings
 - Lower staff morale
 - Workplace bullying
 - Increased stress levels
 - Increased staff turnover
- 2.3.3. It is a misapprehension that turning a blind eye will protect the individual. Your silence may cause the individual more harm and bring B3 into disrepute. If you knowingly fail to deal with a situation where

an individual is misusing alcohol or drugs you will leave yourself open to disciplinary action.

- 2.3.4. As part of a prevention strategy you should ensure all staff engage in regular supervision. At these meetings there should be on-going assessment of progress. In relation to this policy specifically, personal development and coping strategies should be explored.

2.4. Individual responsibilities

- 2.4.1. B3 expects that you do not use illegal drugs at any time, either in or outside work. You are reminded that possession of illicit drugs is a criminal offence that could bring B3 into disrepute with service users, statutory agencies and funders.
- 2.4.2. If you are taking illicit drugs or if you do have concerns about your alcohol consumption or misuse of prescription medication you should approach your immediate line manager for an open and honest discussion. A meeting will be arranged by your line manager and you will be supported and managed in a process of workplace recovery. You are expected to engage and participate fully in this process.
- 2.4.3. If you do not agree to seek treatment or refuse to co-operate with the support plan, your manager may consider taking disciplinary action.
- 2.4.4. You must be alert to alcohol and drug misuse symptoms that a colleague may display. You should offer support and advice to a colleague if you suspect that they have a problem. It is a misapprehension that turning a blind eye will protect the colleague. Your silence may cause them more harm and bring B3 into disrepute.
- 2.4.5. You must notify the Service Manager and/or colleagues line manager if for any reason you believe a colleague is misusing alcohol or drugs or is taking medication for withdrawal from drugs.
- 2.4.6. The individual will be offered a private meeting to ascertain the accuracy of the allegation and to explore why the concerns were raised and gain the individual's response.
- 2.4.7. If the individual offers a credible alternative explanation and the manager feels assured that the individual needs no further support, the matter will be concluded. B3 reserves the right to request a drugs test if it has reasonable grounds to doubt the individual's response.
- 2.4.8. The only record will be that a concern was raised and was unjustified.

2.5. Individuals on prescribed medication

- 2.5.1. Prescribed drugs include tranquillisers and anti-depressants, some of which are controlled drugs. When it comes to taking prescribed medication it is important to take them exactly as prescribed by your health care professional.

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- 2.5.2. You should notify your manager if you are prescribed medication that could affect your work performance, especially if it might have health and safety implications. If the effects of the medication may be noticeable to service users or render you unfit to perform your duties, your manager may ask you to visit your own GP. Additionally, you may be referred to B3's Occupational Health provider.
 - 2.5.3. You should seek advice from your GP, hospital consultant, dispensing pharmacist as appropriate, about the possible side effects of any prescribed drugs e.g. drowsiness, impaired reflexes.
 - 2.5.4. If you have been prescribed medication and then stop taking it, for whatever reason, you should notify your manager, especially if it might have health and safety implications, including the risk of violence. If the effects of stopping the medication is noticeable to the service users or renders you unfit to perform your duties, the Service Manager may send you to see your GP. Additionally, you may be referred to B3's Occupational Health providers.
 - 2.5.5. If you do not declare either the extent of the prescribed medication or the stopping of the medication and you are deemed unfit for your duties, there is a health and safety incident or you carry out an act of misconduct then an investigation will be initiated.

2.6. Consumption of alcohol

- 2.6.1. You may consume alcohol at outside events that are part of your normal duties, e.g., conferences, social events at other agencies or funders, as long as you are going off duty immediately afterwards. However, you are expected to drink moderately and behave in an appropriate way.
- 2.6.2. You must not consume alcohol before coming to work, during work, or at lunch-time. Nor must you consume alcohol during the evening to the degree that the alcohol consumed would result in a positive reading from a breath test when you attend work, affects your ability to carry out your job to the required standard of performance or puts another person, whether a client or work colleague, at risk the next time they are due to work.

3. Drugs & Alcohol Testing

- 3.1. From time to time B3 may require you to submit to drugs and/or alcohol testing while at work. This will follow any reported concern, major accident or incident or where your manager has good reason to believe that you have misused alcohol or used/using illegal drugs.
- 3.2. When deciding whether to test an employee or volunteer B3 will bear in mind the acronym – JAPAN – that testing should be Justifiable, Auditable, Proportionate, Accountable and Necessary.

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- 3.3. Before being tested, you will be informed by your manager of the reason why you are being tested.
 - 3.4. If your test is negative then the result will be noted and you will be allowed to return to work immediately. The paperwork together with any record of discussion about what happened to prompt the test is then filed separately in your personnel file to ensure confidentiality. B3 retains records of negative tests to demonstrate that it has taken all reasonable and practicable precautions to safeguard health and safety.
 - 3.5. If a breath test gives a positive reading for alcohol then you will be required to take a second test 20 minutes later. This will indicate whether the blood alcohol levels are rising or falling. If the second breath test gives a positive reading for alcohol then you will be suspended immediately.
 - 3.6. If any test proves positive, you will be suspended while any further testing on the sample is completed. If the full analysis is negative you will return immediately to work. The paperwork together with any record of discussion about what happened to prompt the test is then filed separately in your personnel file to ensure confidentiality. If the result remains positive you will remain on suspension and an investigation will take place.
 - 3.7. Appropriately trained individuals will carry out tests and interpret results.
 - 3.8. Whilst you can refuse to consent to a breath or drug test, this factor will be taken into account in any subsequent action.

4. Procedure

4.1. Overview

- 4.1.1. The procedure will be lead by your manager and the Board of Trustees will be informed at all stages.
- 4.1.2. Circumstances will be examined on a case-by-case basis taking into consideration the nature of the identified misuse and the length of use.
- 4.1.3. All meetings and discussions will be conducted with empathy, understanding and compassion.
- 4.1.4. If there appears to be an underlying medical condition and you are a member of staff you may be referred to B3's Occupation Health provider.
- 4.1.5. Normal sick pay provision applies for members of staff.

4.2. Lapse

- 4.2.1. For staff members — where you state you are misusing alcohol/ prescription drugs or using illicit drugs for the first time, or where you advise that you have lapsed, the informal procedure will be instigated.

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- 4.2.2. For self employed, casual staff and volunteers — where you state you have lapsed, the circumstances will be examined on a case-by-case basis taking into consideration the nature of the identified drug misuse, the length of use and 'lapse'. You will be expected to seek treatment and will not be asked to work during this time. Should you not agree to seek treatment then you will not be engaged again.
- 4.2.3. For Agency Workers – where you state you have lapsed the circumstances will be examined on a case-by-case basis taking into consideration the nature of the identified drug misuse, the length of use and 'lapse'. You will be expected to seek treatment and will not be asked to work during this time. If you do not agree to seek treatment, you will not be asked to work again.

4.3. Relapse

- 4.3.1. Where you have stated that you have relapsed or where there is evidence of a relapse (for example if you have been supported through the lapse procedure on two or more previous occasions), you will be afforded up to no less than 13 weeks and up to four months time off work to seek assistance, including residential care.
- 4.3.2. Employees identified as having relapsed will be expected to seek treatment and will be drug and/or alcohol tested before returning to work. A negative test will result in the informal procedure being instigated. A positive test will result in formal procedures being instigated.

4.4. Informal procedure

- 4.4.1. Where you have disclosed you have a problem with alcohol consumption, prescribed medication or illicit drug use, your manager will arrange a meeting with you to address the following:
- Whether it is appropriate for you to remain in the workplace and/or continue in your current role and/or working to current responsibilities, taking into account stress levels and whether the role is a contributory factor; impact on clients and other stakeholders; any health and safety risks or concerns.
 - Temporary cessation of 1:1 client work.
 - Engaging the services of alternative treatment agencies.
 - Consideration will be given for a referral to occupational health.
 - Creating a supportive action plan to assist you in achieving 'stability' within a month. The plan may include removing/reducing caseloads, alternative duties, redeployment, or a temporary reduction in working hours.

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- Consideration will be given to period of unpaid leave whilst treatment is sought.
 - Your manager will agree times and dates for weekly review meetings over the period of the action plan.
 - Your manager will explain what needs to happen to ensure both you and they feel confident in you continuing/resuming your role.
 - The weekly meetings will be used to assess progress, amend the plan as necessary and confirm the point at which the informal procedure and associated support will cease.
 - A final review date at the end of the month action plan will be conducted and if both parties are satisfied you are able to cope and perform to the standards reasonably expected of you in your role, you will exit the process and return to full and consistent duties.
 - Individuals who attain/regain stability will continue in the organisation in the usual way.
 - Like all employees, you may be subject to random drug and alcohol tests in line with contracts of employment.
- 4.4.2. If the action plan proves unsuccessful and/or if concerns remain, the following process will be followed:
- At the final review meeting you will be informed by your manager that concerns remain.
 - Consideration will be given to whether you are able to continue in your role and the Board of Trustees will be informed of the outcome.
 - The Service Manager will arrange a formal meeting chaired by a Board member where a decision will be made about your future employment (see 4.5 Formal Procedure).

4.5. Formal procedure

- 4.5.1. A formal meeting will be arranged where a decision will be made about your future employment with B3.
- 4.5.2. The meeting will be chaired by a member of the Board of Trustees.
- 4.5.3. You will be notified of the meeting in writing and will be given at least five working days' notice.
- 4.5.4. You will be entitled to be accompanied at the meeting by either a recognised Trade Union Representative or a work colleague.
- 4.5.5. The Chair will make their decision about your continued employment based on the outcome of the action plan, any medical advice, your

comments and the likelihood of you achieving and sustaining stability within a reasonable time frame.

- 4.5.6. You will be advised of the decision in writing within 5 working days of the meeting.

4.6. Right to appeal

- 4.6.1. You have the right to appeal the decision.
- 4.6.2. You will be provided with details of how to appeal in your letter confirming the outcome. Appeals must be set out in writing, containing the reason for your appeal and be sent to the Board of Trustees. Any appeal must be received within ten working days from the date of the letter confirming the decision.
- 4.6.3. The Board of Trustees will arrange for representative to chair your appeal hearing. Neither the chair nor the Board of Trustees Representative will have had any previous involvement in your case.
- 4.6.4. Any appeal against dismissal will be heard by the Board of Trustees.
- 4.6.5. Your appeal hearing will be convened as soon as reasonably practicable, preferably within ten working days.
- 4.6.6. You will be advised in writing of the date, time and location of the appeal hearing. You will also be reminded of your right to be accompanied.
- 4.6.7. In the event the Board of Trustees takes the decision to reinstate you after dismissal, you will not lose your continuous service. You will have your pay reinstated subject to a deduction based on an assessment of any income that you may have received whilst not employed by B3.
- 4.6.8. Appeal hearings will review the case and consider whether B3's procedures were correctly and fairly implemented and whether the decision was fair and reasonable in the circumstances.
- 4.6.9. There is no further right of appeal and any decision made at this stage will be final.
- 4.6.10. Re-admission – individuals who are referred on through the use of this policy will not be prevented from re-applying for a position in B3 at a future date. The standard recruitment and selection process will be followed.

5. Exclusions

- 5.1. Individuals who are found to be under the influence of alcohol or illicit drugs will be asked to leave the building immediately.

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- 5.1.1. Those in paid employment will be supported in seeking treatment and will be suspended while an investigation is completed under B3's Disciplinary Policy.
 - 5.1.2. Those engaged on a self-employed basis or on a casual basis will be supported in seeking treatment and will not be asked to work while they seek treatment.
 - 5.1.3. Those who are volunteering will be supported in seeking treatment and will not be asked to volunteer.
 - 5.1.4. Those engaged through an agency will be supported in seeking treatment and referred to their agency and will not be engaged while they seek treatment.
- 5.2. Individuals who bring suspected illicit drugs onto the premises will be asked to leave the building immediately (taking the suspected illicit drugs with them) and will be supported in seeking treatment.
- 5.2.1. Those in paid employment will be suspended and an investigation will be completed under the B3 Disciplinary Policy.
 - 5.2.2. Those engaged on a self-employed basis on a casual agreement will not be asked to work while an internal review is completed and, dependent on the outcome of the review, may not be engaged again.
 - 5.2.3. Those who are volunteers will be asked not to volunteer.
 - 5.2.4. Those engaged through an agency will be referred to the agency for them to complete an investigation and will not be utilised by B3 while the investigation is ongoing.
 - 5.2.5. The Board of Trustees must be informed.
 - 5.2.6. A report produced regarding the illicit substance being on the premises following the Critical Incident Reporting procedure.
- 5.3. Where the quantity of illicit drug found is such that it is believed that it is not just for personal consumption, then the individual will be asked to leave immediately and the police will be informed.
- 5.3.1. The Board of Trustees must be informed.
 - 5.3.2. A report must be produced regarding the illicit substance being on the premises following the Critical Incident Reporting procedure.