



9.10 Alcohol and Substance Misuse Policy

1. Policy Statement

- 1.1** Elizabeth Finn Homes is committed to providing a safe and positive working environment for our staff and to promoting the health, safety and well-being of our staff, residents and visitors to our homes. We recognise that this can be put at risk by members of staff who misuse alcohol and/or substances (including non-prescribed drugs) to such an extent that it affects their health, work performance, behaviour or relationships at work and as such, we have a **zero-tolerance** approach to those staff that consume alcohol and/or substances while on duty and attending to residents of our homes.
- 1.2** Where staff are off-duty and will not be returning to work to attend to residents on the day in question, staff may be permitted (with the authority of the General Manager or Clinical Care Manager of the home) to consume alcoholic beverages on site, if attending a home-related function, but should be mindful of their alcohol consumption and ensure that their behaviours toward colleagues, residents and visitors meets the standards expected within Elizabeth Finn Home's Code of Conduct and Values.
- 1.3** Where alcohol is being used in the preparation of food for residents, staff preparing the food are not permitted to drink, taste or sample the alcohol being used, but may taste the food before it is served to residents.
- 1.4** Where situations arise where it is believed a member of staff or an agency worker may be under the influence of alcohol and/or substances whilst on duty, Elizabeth Finn Homes reserve the right to send home or suspend the staff member or agency worker from duty and commence investigation proceedings into the matter. Any decision relating to suspension must be discussed with the Regional Manager and/or Human Resources before a decision is made.
- 1.5** In such instances as described in section 1.4 above, Elizabeth Finn Homes also reserve the right to request that the member of staff undertake an alcohol and/or drugs test, which would be administered by a trained member of staff within the organisation.

Should the member of staff refuse to participate in the alcohol or drugs test, investigation proceedings may still commence and an outcome decided, based on the information available at the time.

- 1.6** Volunteers and external contractors should also be made aware of Elizabeth Finn Home's **zero-tolerance** to alcohol and/or substances by the Manager that engages their services and should they attend a home and are believed to be under the influence of alcohol and/or substances whilst on duty/providing services, they will be asked to leave

the home immediately. Volunteers and external contractors may consume alcohol as part of social functions when not on duty nor planning to return to duty.

- 1.7** Where a member of staff confesses to having a drug and/or alcohol dependency outside of work, Elizabeth Finn Homes will adopt a supportive and constructive approach when dealing with them, where appropriate to do so.
- 1.8** It remains our general expectation that no member of staff or agency worker will report for work while under the influence of substances or alcohol. Elizabeth Finn Homes does not consider it acceptable for staff or agency workers to be impaired by alcohol and/or unprescribed drugs during the conduct of their duties and this may form the basis for disciplinary action, including conduct or capability dismissal for our staff or preventing an agency worker from working for us in the future, depending on the circumstances.

2. Purpose of Policy

- 2.1** The Policy on Alcohol and/or substance misuse ensures that all staff and agency workers are aware of the risks associated with alcohol/substance misuse and the consequences, including the legal consequences, of their actions. As such, this policy aims to:
 - ensure that staff and agency workers are aware of the consequences of alcohol and substance misuse in the workplace
 - ensure that staff and agency workers use of alcohol and/or non-prescribed drugs does not impair the safe and efficient running of our homes, or result in risks to the health and safety of themselves, other staff or agency workers, residents and visitors to the home
 - ensure Elizabeth Finn Homes comply with all relevant legislation in this area, principally the Health and Safety at Work Act 1974, Management of Health and Safety at Work Regulations, Misuse of Drugs Act 1971, Psychoactive Substances Act 2016, and the Road Traffic Act 1988.

3. Scope

- 3.1** This policy applies to all staff including agency and contract staff who work on Elizabeth Finn Homes premises, volunteers and staff of other employers who work on our premises.
- 3.2** This policy relates to all members of staff during hours undertaking work and when undertaking activities on behalf of Elizabeth Finn Homes or attending Elizabeth Finn Homes-related social events. Staff members should always be aware that they are representing the organisation at such events and behave in a responsible manner.
- 3.3** While Elizabeth Finn Homes have an interest in the well-being of its members of staff, what they do in their private lives is generally outside the scope of this policy unless it affects their work, interferes with the legitimate activities of other members of the organisation, brings Elizabeth Finn Homes into disrepute, or risks the staff members safety or that of others, including residents or visitors.

4. Definitions

- 4.1** *Substance Misuse* – drinking alcohol, taking drugs or a substance, either intermittently or continuously, such that it adversely interferes with an individual's health, work performance or conduct or affects the work performance and/or safety of themselves and/or others.
- 4.2** *Substances* –includes prescription medicines where the prescription medicines have not been prescribed for the person possessing or using them and/or such prescription medicines which are not taken in accordance with a physician's direction. This includes any substance (other than alcohol) that produces physical, mental, emotional or behavioural changes in the user.
- 4.3** *Controlled Drug* – includes all chemical substances or drugs listed in any controlled drugs acts or regulations applicable under the law.

5. General Principles

- 5.1** All staff and agency workers are required to familiarise themselves with this policy and comply with its provisions.
- 5.2** Members of staff should notify their line manager if they are taking prescribed medication that could affect their ability to work safely.
- 5.3** Strict confidentiality will be maintained when dealing with individuals under this policy, within the limits of what is practicable and within the law.
- 5.4** In all cases, advice should be sought from the relevant HR Business Partner.

6. Supporting staff

- 6.1** Managers should seek guidance from HR if they suspect a member of staff or agency worker is under the influence of alcohol or a substance. It is the responsibility of the manager to discuss with members of staff or agency workers as soon as possible if their behaviour, performance or absence may indicate a possible problem with substance misuse.
- 6.2** Any member of staff who is concerned that they may have a dependence on drugs or alcohol is encouraged to seek help from their GP. They should also approach their line manager and/or HR so that appropriate workplace support can be considered to assist rehabilitation and aid recovery.
- 6.3** Elizabeth Finn Homes also have an Employee Assistance helpline, that is provided through DAS and offers a free 24 hour a day confidential counselling service to staff. This can be reached by calling 0345 266 9667.
- 6.4** Any member of staff who believes that a colleague is dependent on drugs or alcohol should initially encourage them to seek help. Where this is not possible or where the individual refuses to accept that there is an issue, the member of staff may wish to share their concerns in confidence with their own line manager or a member of the HR Team.

- 6.5** If Elizabeth Finn Homes believes that a member of staff is dependent on substances and/or alcohol, they may ask the individual to sign an consent form to be referred to our Occupational Health provider for assessment.

Advice may also be sought from the individual's GP or counsellor as appropriate (with the consent of the member of staff concerned).

- 6.6** Reasonable periods of absence for advice and treatment for dependence on alcohol or drugs will be treated in accordance with usual policies on sickness absence and time off for medical and/or counselling appointments.
- 6.7** In some cases a member of staff who has successfully recovered from a dependency on alcohol or drugs may become unable to continue working in a particular environment due to possible relapse. In such cases and wherever possible a suitable alternative post may be sought.

7. Disciplinary action

- 7.1** If a disclosure of alcohol or drug dependency is made as a mitigating factor during any disciplinary or other formal action, the action may be suspended for an appropriate period to allow the individual to seek treatment and support, such as attendance at a rehabilitation programme, counselling, or other intervention.
- 7.2** If, because of alcohol or drug dependency, a member of staff or agency worker behaves or undertakes their work in such a way as to endanger the health and safety of themselves or of others (including residents, contractors and/or visitors to the home), prompt corrective action will be taken to prevent damage being done. In such situations, although the substance and/or alcohol dependency will be taken into account, the staff member may still be sanctioned in relation to any consequential behaviour where there are health and safety risks and an agency worker's engagement will be terminated.
- 7.3** Where help is refused or treatment unreasonably discontinued by a member of staff or where there is no improvement in behaviour and/or work performance, disciplinary procedures may be resumed and/or initiated and in some cases dismissal may be unavoidable.
- 7.4** Where evidence warrants, the police will be informed of illegal drug use or any activity or behaviour over which there are concerns as to its legality, such as having a drink-driving accident in a work vehicle.

8. Legal framework

- **Health and Safety at Work Act 1974 - section 2** 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** 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** makes it an offence for someone to knowingly permit the production, supply or use of controlled drugs on their premises except in specified circumstances (for example drugs prescribed by a doctor)
- **Psychoactive Substances Act 2016** came into force on 26th May making 'legal highs' which mimic the effects of traditional drugs that are controlled under the Misuse of Drugs Act 1971 illegal. There is now a blanket ban on the production, distribution, sale and supply of legal highs which are intended for human consumption.

Although not applicable to all workplaces, these two Acts also put obligations on employers and workers:

- **Road Traffic Act 1988** 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** 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.

Other legislation that is applicable in the workplace is set out below:

Employment Rights Act 1996 states that drug or alcohol misuse may provide basis for conduct or capability dismissal.

Equality Act 2010 states that addiction to, or dependency on, alcohol or other illicit drugs does not constitute a disability. However, if disability is due to the cause or effect of addiction, it is covered.

Data Protection Act 1998 categorises information about employees' health – including addiction to drugs or alcohol – as 'sensitive personal data'.

Human Rights Act 1998 Article 8 provides the right to respect for private and family life.

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