Title of Policy:	**Alcohol and Drugs**
Section:	**Health and Safety**

Purpose

This policy outlines the position of Carers Choices on the misuse of drugs in the workplace and provides advice and guidance on steps which may be taken by Carers Choices should misuse occur.

Statement

Carers Choices recognises that for a range of reasons individuals can and do misuse drugs and alcohol, and that this represents a problem for the individual and for the business. The effects of drug and alcohol misuse range from absenteeism, low productivity and increased disciplinary action to injury in the workplace. This policy has therefore been adopted in order to protect all employees and the business, and to offer appropriate help and support to the individuals concerned.

The policy applies to all workers and employees from senior managers to temporary workers.

Procedure and Guidance

Definitions

Alcohol misuse is defined as consumption of alcohol during working hours or attending work under the influence of alcohol.

Drug misuse refers to the use of illegal substances and the misuse of prescribed drugs and other substances such as solvents.

During working hours includes during breaks or on the way to work.

The rules

Carers Choices does not permit:

- drug or alcohol misuse during working hours.
- being under the influence of drugs or alcohol while at work.
- encouraging others to misuse alcohol or drugs.

Safeguards

Carers Choices recognises the difficulties that can be faced by those who misuse drugs and alcohol, and therefore:

- absence for treatment and rehabilitation for drug and alcohol problems will be regarded as normal sickness in the first instance.
- it is recognised that occasional (not frequent) relapses do occur.
- this policy will be monitored and reviewed regularly to ensure that it continues to be appropriate and effective.

Confidentiality

If an employee requests help from Carers Choices prior to management being aware of poor performance, then in accordance with the disciplinary or capability procedure any information regarding an employee's problems with drugs or alcohol will be treated as confidential, subject to our legal obligations.

Help

We can offer practical support to those experiencing problems, for example, we may be able to refer employees to an appropriate advisory service. Carers Choices encourages employees to seek specialist help if they feel that they have an alcohol or drug problem.

Drug and Alcohol Testing

Health and Social Care, whether in a community setting, someone's home or a care home involves the support of vulnerable people. Staff therefore must ensure they present themselves in a manner consistent with this responsible role.

Working practices can be impaired by drugs or alcohol. Therefore, it is appropriate that as an industry and organisation we must take all reasonably practical and ethical measures to ensure the wellbeing of the people we care for by ensuring all staff members work is not inappropriately impaired.

Carers Choices justifies its position on drug and alcohol testing by the safety critical nature of the work.

Primary Legislation detailing employment rights in relation to testing are below:
Misuse of Drugs Act 1971 This makes the production, supply and possession of certain controlled drugs unlawful. If an employer knowingly permits the production or supply of any controlled drugs, the smoking of cannabis or certain other activities to take place on their premises, they could be committing an offence.

Health and Safety at Work etc. Act 1974 This obliges employers to ensure a safe place of work and safe systems of work for their staff and other people who might be affected by their business.

Employment Rights Act 1996 An employee with over two years' service has the right not to be unfairly dismissed. A dismissal will be unfair unless the employer can show a potentially fair reason for dismissal (that is, conduct) and that it acted reasonably in all the circumstances. It is an implied term in every contract of employment that an employee will obey their employer's lawful and reasonable instructions. Dismissal of an employee for refusing to obey such an instruction may be a fair dismissal for misconduct. If an employee has agreed in their contract to undertake drug and alcohol testing, and subsequently refuses to do so.

Testing for drugs or alcohol at work can be completed with the employees' consent. Carers Choices believes there may be occasion when it is appropriate to request a test from an employee.

Carers Choices reserves the right to request a test under the following circumstances.

- The request is in relation to a legitimate concern the employer becomes aware of.
- The employee will have the opportunity to discuss this concern prior to the request for testing.
- Any screening will be fair and proportionate.
- Data protection and confidentiality will apply in the majority or circumstances except where this conflicts with a police investigation or a safeguarding matter.
- If confidentiality must be broken the employee will be made aware of this and why.

All employees will have the opportunity to refuse, however if Carers Choices is in possession of good grounds for testing the refusing employee may face disciplinary action.

Who will be tested?

Any employee who is suspected of being under the influence of drugs or alcohol will be immediately removed from the caring role for an urgent meeting with a manager. The allegation of drug or alcohol will be made to them for their response. Managers must be aware there are many reasons a person can act differently and immediate safety of all and welfare of the people we care for and the employee will always take priority.

A record of the meeting will be taken detailing the concern and the evidence for that concern.

If the concern is still valid after the discussion with the employee a senior manager must be informed, and drug and alcohol testing can commence with the employees' consent.

Whether consent is or is not received suspension from duty must be considered based on the workers presentation and Carers Choices concern for safety.

HR guidance will be sought and followed from this point.

Information

Carers Choices is also committed to providing information to employees about the effects of drugs on health and safety.

Disciplinary action

Drug and alcohol misuse may become a matter for disciplinary action in accordance with the disciplinary or capability procedure, subject to the letter and spirit of this policy, particularly where help is refused, absences are frequent and/or impaired performance continues.

Dismissal may result from disciplinary action.

Possession of and dealing in illegal substances will be immediately reported to the police in all cases; **there is no alternative to this procedure.**

CQC Registration and Inspection Compliance

Key Questions and Quality Statements applicable to this Policy	Care Quality Commission (Registration) Regulations 2009 applicable to this Policy
Safe • Involving People to Manage Risks • Safe Environments Well-Led • Governance, management and sustainability	Regulation 18: Notification of other incidents

Legislative Compliance

Health and Social Care Act 2008 (Regulated Activities) Regulations 2014 applicable to this Policy	Other legislation relevant to this Policy
Regulation 12: Safe care and treatment Regulation 19: Fit and proper persons employed	Health and Safety at Work etc. Act 1974 Misuse of Drugs Act 1971 Employment Rights Act 1996

Policy Reviewed on Date of Implementation by the Following Company Officer:

Full name:

Paul Ramsden

Job Title:

CEO

Signature:

P. Ramsden