
Policy: Drink and Drugs Policy

1. SUMMARY

- 1.1. This policy defines WINNS Services Drink and Drugs Policy to ensure it meets requirements.
- 1.2. The Operations Director is responsible for implementation and management of the Drink and Drugs Policy

Rev.	Date	Nature of Changes	Approved By
1	3 rd January 2018	Original issue.	C Stebbing
2	7th September 2021	General update	C Stebbing

2. POLICY: Drink and Drugs Policy

The Legal Framework

As an employer WINNS Services has a duty under:

- **The Health & Safety at Work etc Act (1974)**
to ensure, so far as reasonably practicable, the health, safety and welfare at work of our employees and to protect others who might be affected by employee actions. Employees also have a personal responsibility to take reasonable care of themselves and others.
- **The Management of Health & Safety at Work Regulations (1999)**
to assess and control the risks to the health and safety of our employees.
- **The 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 due to alcohol or drugs is guilty of an offence.
- **The Misuse of Drugs Act (1971)**
is the principal legislation for controlling drugs. Almost all drugs with the potential for dependency or misuse are covered by it. This act makes the production, supply and possession of these controlled drugs unlawful except in certain specified circumstances ie. when prescribed by a doctor.

3. Employees' Responsibilities

You are responsible for ensuring you are fit for work and remain so during the working day. You should inform your manager if you are taking prescription medication or over the counter medication that could impact on your ability to work safely and/or perform in your role. If you have a drug or alcohol problem that is having an impact on your work you should discuss the matter with your line manager so your manager can support you in seeking appropriate treatment from Occupational Health, Support Line or other agencies.

You can also discuss issues in confidence with your own doctor, by appointment with WINNS or with one of the independent advice centres.

You should not “cover up” for a colleague with a drug or alcohol problem. If you believe a colleague has a misuse problem or is affected by medication, speak to your line manager in confidence in the first instance.

If you have had an alcohol or substance dependency in the past, you should declare this to your manager. You should have declared this on your pre-employment health screening document, completed when your offer of employment was made.

4. Management Responsibilities

You are responsible for monitoring the performance, health, well-being and conduct of your staff whilst they are at work. Changes in an employee’s behaviour or performance that maybe as a result of substance abuse must be monitored and managed according to individual circumstances, including providing guidance and support.

Advice from the Occupational Health Service and Personnel will be sought at an early stage if there are concerns about an employee’s health, behaviour or conduct that could be related to substance abuse or the use of prescription medication.

5. Misconduct & Performance Issues

- WINNS will usually treat an alcohol or drugs related problem in the first instance as a medical issue but will consider disciplinary sanctions where there is no co-operation or satisfactory improvement in work performance or behaviour.
 - If the employee co-operates in addressing the problem with W support, all reasonable effort will be made to assist the employee in successful rehabilitation. Reasonable effort could include allowing an employee to take unpaid leave to get necessary support; flexible working arrangements to attend support groups or counselling; referral to Occupational Health. Unless there has been serious misconduct or the individual presents a threat or risk to others, disciplinary action will not generally be taken at this stage.
 - If an employee refuses treatment, or fails to respond to treatment and work continues to suffer, action under the Disciplinary procedure will be considered.
 - Acts of gross misconduct occurring as a result of substance abuse or misuse may result in summary dismissal under WINNS Disciplinary Procedure. Gross Misconduct includes, but is not limited to, assault or other violent behaviour; possession, use, supply or offer of supply of illegal drugs whilst working or being under the influence of alcohol or drugs when undertaking a safety critical role.
 - If an employee receives a driving ban for driving whilst under the influence of drugs or alcohol, and they are required to drive for work, the matter should revert to the Performance and Capability procedure in the first instance.
 - Where an employee commits an act of misconduct that relates to substance abuse, any management investigation will take account of reports following a referral to Occupational Health. The circumstances of each case will be considered before any management action is taken.
- 5.1. Where an employee acknowledges a drug or drink related problem, WINNS will make reasonable efforts to assist that employee in a successful rehabilitation, with advice and support from Occupational Health and other specialist services involved in the rehabilitation programme.
- 5.2. Where an employee is diagnosed as having a drug or alcohol problem, a reasonable level of time off will be allowed for counselling or other treatment.

- 5.3. If an employee has successfully completed a course of treatment and later relapses, the line manager will decide whether to support another period of treatment.
- 5.4. If an employee's work responsibilities are seen to be an obstacle to their recovery, then redeployment or, temporary alteration to their duties should be considered.
- 5.5. Where medication affects an employee significantly in the workplace, redeployment or, temporary alteration to duties should be considered.
- 5.6. If an employee suffers a short-term reaction to medication, immediate adjustments may be appropriate, which will be subject to review.

6. Confidentiality

Any record of treatment will remain strictly confidential between the provider of support and the employee, unless the employee agrees otherwise. An agreement will be reached between the manager, the employee and the treatment agency as to what information will be shared. All information will be handled sensitively and only used for its proper purpose and in line with the Data Protection Act 1998.