

## Frequently asked questions

These are provided for guidance and should be read in conjunction with the [Drug, Alcohol, Substance Misuse and Dependency Policy](#).

### 1.1 Am I allowed to attend licensed premises during working hours?

In some circumstances it may be necessary for you to take breaks on licensed premises where sessions, meetings or courses are being held, however in these circumstances, or when there is no other reasonable alternative venue, you must not be, or perceived by the public to be consuming alcohol or sharing a table with those that are.

### 1.2 What substances specifically does the policy refer to?

These include alcohol, controlled drugs, illegal drugs, the misuse or abuse of prescribed drugs and other substances such as solvents. Controlled Drugs includes all chemical substances or drugs listed in any legislation.

Substance misuse, including drinking alcohol, taking drugs or ingesting a substance, including over-the counter medication either intermittently or continuously. Substances can include 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.

### 1.3 Who is covered by this policy?

This policy covers everyone who carries out work for NHSBT in any capacity. This includes:

- Permanent
- Fixed term and secondments
- Honorary contracts
- Bank workers
- Agency workers and any contractors

### 1.4 What do we mean by 'on duty'?

Attending work; carrying out on-call duties; provide emergency cover outside of normal hours; on-call to give advice, even if you are not required to attend NHSBT premises or other premises used by NHSBT.

Being under the influence of alcohol or a substance in the workplace, could endanger lives including you, your colleagues, donors, patients or members of the public. Should you need to be available to work, you must not consume alcohol, illegal drugs or misuse or abuse any other substance.

### 1.5 What do we mean by 'zero tolerance'?

You must not:

- report for duty smelling of alcohol at any time, or immediately after consuming or under the influence of alcohol, drugs and/or other substances.
- consume alcohol, ingest drugs or substances at work, including during lunch or refreshment breaks
- take drugs other than as appropriate for medical reasons (eg. as prescribed by a G.P.)

- consume alcohol, drugs and/or other substances, or remain with colleagues who are, while wearing an NHSBT uniform, or being identifiable as an NHSBT employee eg. including unliveried similar clothing, lanyard etc.

### **1.6 What should I do if I am on prescribed medication or over the counter medicine that may impact my performance at work?**

You must be aware of the impact of any medication you are taking. Speak to your manager and make them aware of any prescribed medication you are taking that may impair your performance. If you are taking prescribed or over-the-counter medication, you are responsible for checking the manufacturer's guidance, and should inform your manager if you believe it may impair your ability to carry out your duties properly. Advice from Occupational Health may be sought. You may want to refer to and use the [Tailored Adjustment Agreement](#).

Your manager may wish to discuss appropriate support that can be put in place, eg. sickness absence, temporary adjustment of duties etc.

This is particularly important if your role involves supporting donors, has contact with members of the public, involves any clinical or scientific responsibilities or driving, where you have a duty of care for the health, wellbeing and safety of others.

### **1.7 What do I do if it is suspected that one of my team member's work is being affected by the use of alcohol, drugs or other substances?**

Speak to the individual and let them know you are concerned for their welfare. If they are an agency or contract worker, let them know they should be engaging with their employer. You may then need to conduct a preliminary fact finding investigation using the [Disciplinary Policy](#) and take any appropriate action depending on the circumstances:

- Where the individual's use of alcohol, drugs or other substances is not due to addiction or a health related problem, then the [Disciplinary Policy](#) will be followed. Colleagues will be encouraged to seek advice from their Union representatives where appropriate.
- Where it is known or suspected that the individual's misuse of alcohol, drugs or other substances is due to addiction or some other health related problem, then this will be handled as a wellbeing and/or capability issue, but action taken will depend on whether or not the individual admits to having a problem, and whether or not they accept assistance in dealing with their problem. Additional support can be provided to the employee in tandem with the operation of the [Disciplinary Policy](#).
- Where there is a health-related problem or a disability, this may need to be taken into account when deciding the course of action. Alcohol, drug and substance misuse or abuse does not fall within the Equality Act 2010. However, medical conditions resulting from alcohol, drug or substance misuse or abuse may be covered by the Equality Act 2010 therefore you must seek and consider the appropriate advice.

### **1.8 What should I do if I am a manager and I reasonably believe an individual to have consumed alcohol, drugs or substances, or to be under the influence of a substance that is likely to impair their ability to properly carry out their duties?**

Speak to the individual politely in the first instance and take a safety-first perspective. If you have a reason to believe that they may be impaired and unable to carry out their work duties in a safe manner you must seek the support of another manager and, where practical and/or requested, a colleague or union representative, and together arrange for the individual to be sent home from work immediately. Appropriate arrangements for getting them home safely must be considered.

If their role involves supporting donors or has contact with members of the public, consideration would need to be given to ensure their immediate work responsibilities are covered and that sensitivity and confidentiality is maintained.

If they are a driver as part of their normal duties, at the point it is reported to you, or as soon as you are aware there may be a problem, you should remove them from driving duties immediately, arrange

suitable cover to complete the duty, and to take them back to their designated base. Appropriate investigation under the [Disciplinary Policy](#) will then follow.

There may be consideration for informing the Police if an individual is believed to be impaired and makes an attempt to drive a vehicle.

You should make arrangement for the individual to return to work the next day so that the situation can be discussed with them and a decision made on the next appropriate steps to take, following any advice and guidance from HR. The employee may wish to explore support and advice from a colleague or trade union representative.

### **1.9 What do I do if I believe a colleague to be under the influence of such a substance?**

You should immediately make a manager aware of your concerns.

### **1.10 What do I do if an individual is unauthorised to be absent from work and suspected of being due to alcohol, drug or substance misuse or abuse?**

This will be investigated under the [Attendance](#) and/or [Disciplinary Policy](#).

### **1.11 What do I do if an employee identifies and acknowledges they have an alcohol or substance abuse problem?**

If you are their manager you should arrange to have a confidential discussion with them in a private setting. It is important that you give consideration to the role they perform. If their role involves responsibilities for the care of patients, donors, members of the public there could be an impact on and safety and wellbeing of others. Clinical or scientific roles may also require an assessment of risk to safety. A risk assessment may be required to assess if any part of the role should be withdrawn for a period of time. An occupational health assessment may also be required to gain further advice on what temporary adjustments can be put in place.

They must be offered support and referred to [Occupational Health](#). An action plan may be a considered and the situation dealt with as a capability concern.

Support for the employee can include\*:

- OH referral
- EAP
- Time off Work/Flexible Working to support any action plan and recommendations from OH
- Temporary adjustments to duties

\*this list is not exhaustive

However, admitting they have a problem does not rule them out of disciplinary action. If their behaviour constitutes an act of misconduct, they will be subject to disciplinary action. Any identified problem or other mitigating circumstances will be considered when deciding a potential sanction. Both the Disciplinary and Capability Policies can run in tandem, and you should seek and consider the appropriate medical advice for e.g. to ensure they are fit and able to attend any appropriate meetings.

Signpost to further support:

If you are or are made aware that there are children or vulnerable adults in their household, there may be cause to refer to the [Safeguarding Policy](#)

### **1.12 What do I do if an individual admits to being under the influence at work?**

You will need to establish the reasons leading up to this and gather information on the details including whether it is a pattern, one off, historical or if further investigation is needed.

Seek the support of another manager to arrange for the individual to be sent home – accompanied where deemed necessary. Explain to the individual that the organisation has a ‘zero tolerance’ and that they and others cannot be put at risk. Following HR support and advice, arrange for the individual to return to work on the next working day so that the situation can be discussed with them and a decision made on the next steps. Seek an explanation, making it clear of our policy and expected behaviour. You should refer to the menu of options in the [Time Off Work Policy](#) to agree how the period away from work is to be covered.

Consideration may be given whether the situation needs to be investigated under the [Disciplinary Policy](#).

### **1.13 What do I do if I suspect someone of being under the influence while at work?**

If you are a colleague and you believe that there is reasonable evidence of this, you should report it in the first instance to your manager, who consider the next steps.

Consideration may be given whether the situation needs to be investigated under the [Disciplinary Policy](#).

Factors affecting work performance and the desire to help and guide the individual during treatment should be stated. Any action will depend on whether a problem is identified whether or not an individual accepts they have a problem and are willing to accept treatment. If they deny they are misusing or abusing alcohol, drugs or other substances then poor performance will be managed under the [Capability Policy](#).

The earlier the problem is identified and acknowledged, the easier it is to respond to. Occupational Health has an important role to play in the early identification of a problem as they are specialists and qualified to diagnose whether abuse is involved.

You may not have any evidence to support your suspicions; therefore you should refer to ‘[Indicators of abuse](#)’ and the ‘effects’. You may want to consider having a conversation with the individual about their general wellbeing, without alluding to any suspicions. If you are concerned that a/your manager may have a problem, you must raise this with your manager’s manager or a senior manager.

### **1.14 Can an individual with an identified drug, alcohol or substance abuse issue remain at work?**

- There may be a possibility of the individual remaining in work if the individual is considered fit enough to remain in work and not impaired by alcohol, drug or substance. Consideration would need to be given to the role they perform and the risks involved.
- Where an individual has to attend counselling sessions as part of their support plan during working hours, we will consider making reasonable provision under the [Time off Work Policy](#).
- The individual and their manager may opt to agree to an alteration to working hours/times under the [Flexible Working Policy](#).
- Where an individual is absent due to sickness and they agree to a referral and complies with specialist treatment, [Occupational Health](#) will advise the manager about the individual’s suitability to return to work at the right time
- Following the treatment programme, if the individual is still unable to fulfil the tasks specified in their job description, the manager may consider and discuss the possibility of alternative employment with the employee. Further action will be considered which will include the use of the [Capability Policy](#), and/or the [Attendance Policy](#) and/or [Disciplinary Policy](#) depending on the circumstances of each case

### **1.15 What happens if an individual denies they have an alcohol, drug or substance misuse or abuse problem?**

If there is reasonable belief, based on behaviours, work performance, attendance, previous discussions or attempts to explore have not resolved the concerns, consideration of whether the individual will be subject to action under the [Disciplinary Policy](#) is necessary. An initial fact finding

meeting will be arranged and the factors affecting their work performance should be discussed and the desire to help the individual should be emphasised.

A management referral to OH will be arranged to request support and guidance. If following these discussions, the employee accepts that a problem exists, this should be handled patiently and sensitively.

Whether they deny or acknowledge that they have a problem, they should be supported, potentially utilising NHSBT resources available (EAP, OH etc) and informed of the requirement to improve their work performance under the [Capability Policy](#).

If an individual is referred for treatment and counselling, and agrees to comply with the requirements of the programme, but this ongoing treatment has subsequently failed, then referral to other policies i.e. Attendance, Capability or Disciplinary may have to be considered.

### **1.16 How do I monitor their performance following any appropriate treatment/support/action?**

Following their return to work either during or after treatment, should work performance worsen as a result of alcohol, drug or substance misuse or abuse, each case will be considered on its own merits. If appropriate and reasonable, one further opportunity to accept and co-operate with treatment may be offered following advice from OH. Continued failure to deal with these problems may result in termination of contract under the appropriate policy.

### **1.17 What is a 'withdraw' programme?**

Alcohol and drug withdrawal programmes are offered and supervised by external agencies and in some cases eg. in the case of drug misuse or abuse, may involve the prescription of substitutes. In this situation, an individual may need to administer prescribed drug substitutes on a daily basis in order to avoid the effects of withdrawal. Therefore, if as part of a withdrawal programme, an individual is prescribed a drug substitute, they should seek further advice from Occupational Health and must be informed that the administering of medication should take place at home wherever possible. Someone who is completing a withdrawal programme may not be fit to attend work during this time.

### **1.18 As a manager how do I support a team member if they are living with or supporting a close family member or partner who is misusing a substance or has a dependency?**

If a team member informs you that they are living with/supporting/caring for someone who is misusing alcohol, drug or substance, or has a dependency, it is important that you try to understand the impact that it is having on them personally. They may need some flexibility and consideration may be given to putting a support plan in place. If you are their manager seek advice from HR Direct and offer to discuss their situation with them. Consider the impact the situation may be having in them and offer additional support such as the Employee Assistance Programme and advice on the wellbeing pages.

## **2. Policy Approval and Review**

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