

Frequently asked questions

These are provided for guidance or quick reference guide only, so always refer to the 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, illegal drugs, the misuse or abuse of prescribed drugs and other substances such as solvents.

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 worker
- agency and any contractor

1.4 What do we mean by 'on duty'?

Attending work; carry out on-call duties; provide emergency cover outside of normal hours; on-call to give advice, even if you are not required to attend our premises

Being under the influence of alcohol or a substance in the work place, 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.
- You must not consume alcohol, drugs or substances at work, including during lunch or refreshment breaks
- You must not take drugs other than as appropriate for medical reasons (e.g. as prescribed by a G.P.)
- You must not consume alcohol, drugs and/or other substances, or being with colleagues who are, while wearing an NHSBT uniform, or being identifiable as an NHSBT employee e.g. 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?

Talk 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 (see 'Templates').

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

You will need to conduct a preliminary investigation using the Disciplinary Policy and take any appropriate action depending on the circumstances:

- Where the employee's use of alcohol, drugs or other substances is not due to addiction or some other health related problem, then the Disciplinary Policy will be followed.
- Where it is known or suspected that the individual's misuse or abuse of alcohol, drugs or other substances is due to addiction or some other health related problem, then this will be handled as a 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 they have 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 reasonably believe my employee 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?

They must be sent home from work immediately or replaced on the on-call rota. Appropriate arrangements for them getting home safely must also be considered, and this should be at their own expense.

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, and arrange suitable cover to complete the duty, and to take the driver back to their designated base. Appropriate investigation under the Disciplinary policy will then follow.

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 employee 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?

They must be offered support and be referred to Occupational Health and action must be taken to deal with the matter as a capability issue.

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 taken into account 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.

1.12 What do I do if an employee 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.

The employee must be sent home and you must explain that they are either public facing or in view of other employees and as we have a 'zero tolerance' we cannot put them or others at risk. On their return to work, you should have the same discussion and 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.

If they have already commenced work or their performance has been impaired, then this will need 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 there is reasonable evidence of this, it should be investigated under the Disciplinary Policy. Factors affecting work performance and the desire to help and guide the employee during treatment should be stated. Any action will depend on whether a problem is identified, whether or not an employee 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' (see 'Guidance and Checklists'). You may want to consider having a conversation with the employee about their general wellbeing, without alluding to any suspicions. If you have concerns 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 employee with an identified drug, alcohol or substance abuse issue remain at work?

They may remain in work in any of the following circumstances:

- Providing the employee is considered fit enough to remain in work
- Where an employee has to attend counselling sessions as part of their support plan during working hours, we will make reasonable provision under the Time off Work Policy.
- The employee and their manager may opt to agree to an alteration to working hours/times under the Flexible Working Policy.

- Where an employee is absent due to sickness agrees to a referral and complies with specialist treatment, Occupational Health will advise the manager about the employee's suitability to return to work at the right time
- Following the treatment programme, if the employee is still unable to fulfil the tasks specified in their job description, the manager will 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 employee denies they have an alcohol, drug or substance misuse or abuse problem?

If there is a case to answer, the employee will be subject to action under the Disciplinary Policy. If they display poor or a lesser work performance than usual, an interview will be arranged and the factors affecting their work performance should be discussed and the desire to help the employee 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 should be handled patiently and sensitively.

If deny or acknowledge that they have a problem, then they should be informed of the requirement to improve their work performance in under the Capability Policy.

If an employee 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 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 and, 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 will 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 e.g. in the case of drug misuse or abuse, may involve the prescription of substitutes. In this situation, an employee 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 employee 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. It is unlikely that the employee will be fit to attend work during this withdrawal programme.

1.18 What should I do if I am taking any medication?

You must be aware of the impact any medication, whether prescription or over the counter medicine, can have on your performance. If such medication can impact you in any way you must speak to your manager, to ensure that the appropriate support can be put in place, e.g. sickness absence, temporary modification of duties etc.

This is particularly important if you carry out driving duties as part of you job. Additional information can be found at www.hse.gov.uk

2. Policy Approval and Review

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