

**ARK HOUSING ASSOCIATION LIMITED (ARK)**

**POLICY REF: HR20**

**Version 2.0 – September 2016**

**DRUG & ALCOHOL MISUSE POLICY**

**1. ARK'S VALUES**

1.1 Our organisational values are the basis for everything that we do from providing housing, care and support to tenants and service users to ensuring that staff have clear standards of performance and conduct set. ARK believes that everyone should have the opportunity to lead a happy, healthy and safe life. We value:

- the worth of each person
- trusting relationships
- understanding difference
- challenging oppression
- personal and organisational accountability
- caring for our physical environment
- enjoyment

1.2 All ARK policies and procedures are underpinned by our values and we will ensure that our employees are treated fairly, consistently and in line with our values.

**2.0 PURPOSE**

2.1 The inappropriate use of alcohol or drugs can damage the health and well-being of employees and have far reaching effects on their personal and working lives. At work, alcohol or drug misuse can result in reduced levels of attendance, sub-standard work performance and increased health and safety risks not only for the individual concerned but also for others, for example work colleagues, service users and members of the public. Furthermore, the effects of alcohol or drug misuse are likely to be detrimental to an organisation's reputation and image and its ability to deliver high-quality services.

2.2 ARK is committed to providing a safe and productive work environment and to promoting the health, safety and well-being of its employees. The Drug & Alcohol Misuse Policy is designed to ensure that employees are aware of the risks associated with alcohol/drug misuse and the consequences, including the legal consequences, of their actions.

**3.0 OBJECTIVES**

3.1 The policy aims to:

- Raise staff awareness of the risks and potential harm to health associated with the use of intoxicating substances.
- Set out the rules regarding the use of intoxicating substances so that employees are aware of the likely consequences for their employment of misusing them.
- Create a climate that encourages employees who may be misusing drugs or alcohol to come forward and seek help.

- Provide a framework to enable instances of substance misuse by employees to be handled in an appropriate, fair and consistent manner.
- Achieve a balance between supporting employees who come forward with a problem and the overriding need to preserve:
  - The health, safety and welfare of employees and others\* with whom they come into contact
  - ARK's reputation
  - The delivery of high quality, effective services

\* Sections 2 and 3 of the Health and Safety at Work Act 1974

\* Management of Health and Safety at Work Regulations 1999

#### **4.0 SCOPE**

- 4.1 This policy covers the use and misuse of intoxicating substances, which include alcohol, solvents, legal and illegal drugs, prescription and over-the-counter medicines and other substances that could adversely affect work performance and/or health & safety.
- 4.2 This policy applies to ALL employees.
- 4.3 ARK also expects Board members, relief staff, students on placement, volunteers and others working on behalf of the organisation to comply with this policy. Failure to do so may result in the working arrangements being terminated.

#### **5.0 GENERAL PRINCIPLES OF THE POLICY**

- 5.1 ARK has a zero tolerance policy with regards to the consumption of alcohol or any other substance. ARK does not permit the consumption of alcohol or any other substance while on duty.
- 5.2 Employees will be responsible for ensuring that their work performance is not affected, or deemed by others to be affected, from consuming substances either prior to reporting for works or while on duty.
- 5.3 Employees whose work performance has been found to be affected by substances may be subject to ARK's disciplinary procedure.
- 5.4 Employees who have a substance related problem will be encouraged to seek help and treatment voluntarily.
- 5.5 Employees who are perceived to have a substance related problem will be offered the opportunity to seek assessment, and if necessary treatment.
- 5.6 Employees agreeing to undergo treatment will be granted paid leave for the purpose of attending appointments.
- 5.7 Following treatment, the employee will be able to return to the same job unless it is considered that resumption of duties would be inconsistent with the resolution of the employee's substance related problem, in which event every consideration will be given to finding the employee suitable alternative employment

- 5.8 The employee's normal career or promotional progress will not be affected if treatment leads to a resolution of the problem.
- 5.9 Employees who decline offers of a referral for assessment or treatment or who prematurely discontinue treatment and whose work performance continues to be unsatisfactory, may be subject to ARK's disciplinary procedure.
- 5.10 In cases of relapse during or following treatment resulting in an adverse affect on performance, each case will be considered on its merits and, if appropriate, a further opportunity of assistance will be offered.
- 5.11 Loss of driving licence due to a conviction for driving over the legal alcohol limit or being under the influence of drugs may have repercussions on employment. Where an employee has to drive as a requirement of his/her job, this may result in disciplinary action being taken, which may result in termination of employment, if through losing the driving licence, he/she cannot carry out the duties of the post (see policy – HS22 – Use of Vehicles at work Policy).
- 5.12 Where drug or alcohol misuse results in a criminal conviction this may impact on employment (see policy HR02 - Disclosure and Protecting Vulnerable Groups (PVG) Policy for further information).

## **6.0 MANAGER'S RESPONSIBILITIES**

- 6.1 Managers are required to:
  - Be aware of the signs of alcohol and substance misuse and the effects on performance, attendance and health of employees.
  - Ensure the health, safety and welfare of employees and others with whom they come into contact.
  - Ensure that staff understand the zero tolerance policy and are aware of the rules and consequences regarding the use of alcohol, drugs and other intoxicating substances whilst on duty or reporting for duty
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  - Ensure that staff are aware of the support that is available to them should they have a problem.
  - Monitor the performance, behaviour and attendance of employees as part of the normal supervisory relationship.
  - Intervene at an early stage where changes in performance, behaviour, sickness levels, and attendance patterns are identified to establish whether alcohol or drug misuse is an underlying cause.
  - Provide support and assistance, where appropriate and for a reasonable period, to staff who are dependent upon intoxicating substances to help their recovery.
  - Instigate disciplinary measures where appropriate to do so.
- 6.2 Where a manager is aware, or suspects, that an employee is misusing intoxicating substances they are strongly advised to seek advice from HR on the approach to be taken.
- 6.3 Such matters will be treated confidentially as far as is legitimately and legally possible. For example, it may be necessary in order to provide effective support for information to be shared with others, for example occupational health, other agencies.

**7.0 EMPLOYEE'S RESPONSIBILITIES**

- 7.1 Employees are required to familiarise themselves with this policy and comply with its provisions.
- 7.2 They are expected to present a professional, courteous and efficient image to those with whom they come into contact at all times. They therefore have a personal responsibility to adopt a responsible attitude towards drinking and taking prescribed and over-the-counter drugs.
- 7.3 Employees are not permitted to possess, store, trade or sell controlled drugs on ARK premises or bring ARK into disrepute by engaging in such activities outside work. Employees may only possess drugs which have been prescribed to them personally.
- 7.4 Employees are strongly encouraged to seek help if they have concerns regarding their alcohol or drug consumption. It is recommended that they approach either their line manager or HR in the first instance so that ARK can arrange for the provision of appropriate support to help speedy rehabilitation, e.g. referral to Occupational Health, Medical professionals, professional drug/alcohol treatment agencies, etc.
- 7.5 Employees are expected to co-operate with any support and assistance provided by the organisation to address an alcohol or drug misuse problem.
- 7.6 Employees should not, even with the best motives 'cover up' for, or collude with a colleague with an alcohol or drug related problem but instead should encourage the individual to seek help.
- 7.7 Where the individual concerned does not wish to come forward to seek help, and their colleague(s) genuinely suspect that the individual may be misusing drugs or alcohol, they have responsibility to raise their concerns with the employee's line manager.

**8.0 AT WORK**

- 8.1 Employees must report for work, and remain throughout the working day in a fit and safe condition to undertake their duties and not be under the influence of alcohol or drugs.
- 8.2 Employees must not consume alcohol or drugs at any time while at work including during rest or meal breaks at or away from work premises. Exceptions apply to drugs prescribed for the individual or over-the-counter medicines used or their intended purpose (in accordance with the instructions given by the prescriber, pharmacist or manufacturer) and where the safety of the individual or others with whom they come into contact is not compromised.
- 8.3 Employees must notify their manager immediately should they be prescribed medication or plan to take over-the-counter medicines that may cause side effects and impair their ability to undertake their duties safely and effectively.
- 8.4 Similarly, employees who experience side effects as a result of taking prescribed or over-the-counter medicines that impair their ability to perform their duties safely and satisfactorily must notify their line manager immediately.
- 8.5 Employees are not obliged to disclose the actual medical condition being treated nor the medication - simply the impact/side effects.

**9.0 OUTSIDE WORKING HOURS**

- 9.1 Employees must not consume intoxicating substances before coming on duty or when they may be required to attend work at short notice, e.g. when they are on call.
- 9.2 Intoxicating substances such as alcohol may remain in the system for some time and even small amounts can impair performance and jeopardise safety. Employees are personally responsible for allowing sufficient time for the intoxicating substance to leave their system before reporting for work and especially if support work involves driving during support work or using work equipment used for support work such as wheelchairs or lifting equipment.

**10.0 BREACHES OF THE POLICY**

- 10.1 ARK, where appropriate to do so, will adopt a constructive and supportive approach when dealing with employees who may be experiencing drug or alcohol dependency/addiction.
- 10.2 For those members of staff seeking assistance for a substance misuse problem ARK will seek professional guidance and advice from specialist counselling services and occupational health services to find the most suitable ways of managing employees in these situations. An employee will not have their employment terminated simply because of their dependency/addiction.
- 10.3 Where an employee's work performance has dropped or there are other work related problems which may be as a result of substance misuse, disciplinary action may be taken. The manager should interview the employee in the first instance and endeavour to rectify any performance difficulties. If the individual concerned, agrees to seek assistance from an assessment/ counselling service, consideration may be given to using this as an alternative to disciplinary action.
- 10.4 It must be emphasised however, that disciplinary action is only suspended pending a satisfactory outcome from the assessment/counselling. If the assessment/counselling service indicate there is no substance related problems, or the employee refuses to co-operate in any way with the service offered, disciplinary action will then be invoked.
- 10.5 Notwithstanding the above, there will be circumstances where breaches of the policy, whether dependency-related or not, will be treated as a disciplinary matter and may result in the summary dismissal of the employee. Examples of issues that will be subject to disciplinary action, including the possibility of dismissal, are:
- Deliberate disregard for personal safety and that of others associated with the use of intoxicating substances.
  - Unacceptable behaviour in the workplace associated with the use of intoxicating substances.
  - Being found incapable of performing normal duties satisfactorily and safely as a result of consuming alcohol or taking drugs.
  - Consuming intoxicating substances during the working day including rest and lunch breaks. Possession, consumption, dealing/trafficking, selling, storage of controlled drugs either on ARK premises or engaging in such activities outside of work.

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- Being disqualified from driving as a result of alcohol or drug related offences (where employees are required under their contract of employment to drive a vehicle)
- Making malicious or vexatious allegations that a colleague is misusing intoxicating substances.

This list is illustrative only and should not be regarded as exclusive or exhaustive. Disciplinary action will be in all cases proportionate to the circumstances of the breach of the policy.

10.6 Where evidence warrants, ARK will inform the police of illegal drug use or any activity or behaviour over which there are concerns as to its legality. For example, it would be necessary to report criminal behaviour associated with alcohol abuse such as having a drink driving accident in a work vehicle.

10.7 Further information and advice relating to any part of this policy can be obtained in confidence from the HR Department.

### 11.0 Associated Policies:

- **HR02 Disclosure and Protecting Vulnerable Groups (PVG) Policy**
- **HR17 Sickness Absence Management**
- **HR18 Disciplinary Policy**
- **HS22 Use of Vehicles at Work Policy**

### 12.0 MONITORING AND REVIEW OF POLICY

12.1 Responsibility for monitoring the application of this policy will rest with the Senior Management Team of ARK Housing Association Ltd.

<b>Approved by SLT in:</b>	<b>September 2016</b>
<b>Approved by Board of Management in:</b>	<b>March 2017</b>
<b>Approved by Unite:</b>	<b>October 2016</b>
<b>Next Review of policy due by:</b>	<b>September 2019</b>