NHS
Kernow
Clinical Commissioning Group

Drugs, alcohol, substance misuse and gambling policy

Date approved: 17 June 2022

This policy was adopted by NHS Cornwall and Isles of Scilly Integrated Care Board (ICB) on 1 July 2022.

We are working to change the branding on our policies and to make sure they are accessible.

We intend to complete this work by 1 April 2023. While this work is underway, all references to NHS Kernow, the CCG and related structures should be taken to relate to the ICB.

This policy may not be suitable for users of assistive technology. If you use assistive technology (such as a screen reader) and need a version of this document in a more accessible format, please email ciosicb.corporategovernance@nhs.net. Please tell us what format you need. It will help us if you say what assistive technology you use.

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V1	10 May 2022	Jo Tomlinson	Policy review and update
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1. Introduction

The use of alcohol, drugs and other substances, including some which are legitimately prescribed or described as ‘legal highs’, may significantly affect people at work.

Being under the influence or engaging in gambling during work time is likely to negatively impact performance and conduct. Alcohol, substance misuse and gambling outside of work can manifest in the following ways which can also impact work:

- the need to take time off
- issues with performance
- behavioural issues
- health, safety and wellbeing concerns
- stress, anxiety, depression
- financial issues
- isolation, loneliness
- theft, fraud
- relationship difficulties with colleagues or members of the public

NHS Cornwall and Isles of Scilly ICB (the ICB) is committed to ensuring the health, safety and wellbeing of all its colleagues and those affected by its activities. It will take all reasonable steps to reduce, if not eliminate, the risk of injuries or incidents occurring due to individuals suffering from the effects of alcohol or substance misuse, as well as minimise or eliminate the impact on the organisation of problem gambling.

The ICB recognises that its commitment to the health of colleagues extends to their psychological wellbeing. Where a colleague has an alcohol, substance misuse or gambling problem, the starting point will be that support is offered. Colleagues will be offered support with workplace interventions. With reference to just culture and the NHS people promise, using disciplinary processes should not be automatic when dealing with indications or allegations of alcohol or substance abuse or the effects of problem addictions.

This policy is designed to ensure that all line managers approach alcohol, substance misuse and gambling problems in a fair, supportive and consistent way, taking account of individual circumstances.

2. Purpose

To ensure that the ICB meets its obligations to safeguard the health, safety and welfare of its colleagues and all who use its services. To maintain a healthy work environment free from the influence of substance misuse and alcohol and problem gambling. To provide advice and guidance to managers on how to sensitively support and deal with situations where a colleague may be experiencing problems with alcohol, substance or gambling addiction.

3. Definitions

Substance misuse

Substance misuse is described as the problematic use of alcohol, drugs and other substances.

Drug or alcohol use can become problematic when an individual uses a substance so regularly or in such quantities that they start to depend on it to feel normal in everyday life. Dependence can develop into addiction, where day to day life focuses on obtaining and regularly drinking or taking a drug to maintain either a physically stable state or a preferred mental state. In the case of alcohol, the term misuse can refer to binge drinking or regular heavy drinking.

Psychoactive substances

A drug or other substance that affects how the brain works and causes changes in mood, awareness, thoughts, feelings, or behaviour. Examples of psychoactive substances include alcohol, caffeine, nicotine, marijuana, and certain pain medicines. Many illegal drugs, such as heroin, LSD, cocaine, and amphetamines are also psychoactive substances.

Legal highs

A substance with stimulant or mood-altering properties whose sale or use is not banned by current legislation regarding the misuse of drugs.

Illicit drugs

Illicit drugs fall into 2 categories:

The first category is comprised of those drugs that are illegal to process, sell, and consume. These include cocaine, methamphetamine, and heroin.

The second class includes those drugs that are legal to process, sell, and consume when prescribed by a doctor, but are then misused by the person to whom the drugs have been prescribed, or are used by individuals not under a prescribing doctor’s care, and who may have obtained the drugs by illegal means. Drugs in the second category can include prescription pain medication and prescription sedatives.

Gambling

Gambling is the practice or activity of betting and risking money or other stakes in a game or bet. For many people, gambling is harmless fun, but it can become a problem.

This type of compulsive behaviour is often called “problem gambling.” Compulsive gambling or a gambling disorder is the uncontrollable urge to keep gambling even when something of value is at stake, such as a relationship or work.

4. Responsibilities

Colleagues

- Raise concerns about alcohol substance or problem addictions at work.
- Report any concerns about self or others.
- Cooperate in any rehabilitation programme recommended.
- Attend regular appointments showing commitment to any treatment.

Managers

- Look after the health and safety and wellbeing of self and others.
- Be aware of and act at early signs of alcohol or substance misuse.
- Be aware of and act at early signs of gambling problems.
- Facilitate early intervention of support and advice where needed.
- Consider referral to occupational health.
- Liaise with POD for advice.
- Report any breaches of professional code of conduct.
- Keep accurate, confidential records of poor performance or other problems.
- Ensure all colleagues are aware of this policy.

POD

- Provide advice about the process.
- Support formal meetings where required.
- Organise and support supplementary training where and when required.
- Help line managers deal with issues and support colleagues.

5. Process

Criminal offence

It is a criminal offence under the Misuse of Drugs Act for any person knowingly to permit the production, supply or use of controlled substances on their premises except in specified circumstances (such as when they have been prescribed by a doctor). The Medicines Act 1968 also controls the sale of drugs that are considered medicine.

Under the Road Traffic Act drivers of road vehicles must not be under the influence of drugs or alcohol while driving, attempting to drive or when they are in charge of a vehicle.

Employees, secondees, contractors and volunteers who, on the organisation's premises or at work-related events, break the law by using, possessing or trafficking in illegal drugs or substances illegally obtained, or use NHS Kernow financial resources for gambling activities, will be immediately suspended pending an investigation, which may result in criminal charges being brought and/or disciplinary action, that could result in dismissal.

Being under the influence or gambling at work

The ICB recognises its obligation to ensure a safe working environment, as specified in legislation, and its role in supporting employees experiencing alcohol, drug and/or substance misuse or problem gambling.

No employee or contractor, secondee or volunteer working for or representing the ICB should be under the influence of alcohol, drugs or other substances while at work or on the organisation's premises.

It is important not to confuse substance misuse, with occasional use of alcohol or drugs. Nevertheless, all forms of substance use, whether alcohol or drugs, legal or illegal, can impair performance in the affect the workplace. Those with dependency problems may find that their performance is affected, they are at risk of developing mental health problems, or they are off work more often. At the same time, any person who either uses drugs or alcohol at work, or who comes to work while under the influence of drugs or alcohol could put themselves and their colleagues' safety at risk.

Colleagues should not work if they are unfit to do so because they have consumed alcohol or taken drugs or other substances. Absence in these circumstances would be classified as unpaid leave.

No alcohol will be served by the ICB at social functions during the normal working day.

No one should drive or operate machinery under the influence.

No one should use ICB resources or premises for gambling.

No employee, contractor, secondee or volunteer working for or representing the ICB is permitted to use NHS Kernow resources for gambling purposes.

Health and Wellbeing

The ICB recognises that alcohol dependency, substance misuse and problem gambling can be a health problem and colleagues are encouraged to speak to their line manager and seek medical assistance or counselling at an early stage. The ICB will always seek to support employees whose problems at work stem from such an illness and, unless the situation is very serious, would seek to continue any disciplinary processes only as a last resort once work-place interventions have been exhausted. Any colleagues who

seek help will be treated in a non-judgemental supportive way and will be guaranteed confidentiality.

The ICB would expect anyone affected in this way to fully participate in any recommended rehabilitation programme.

It may be necessary to consider making available alternative work where this will help a colleague's rehabilitation.

Any absence for treatment and rehabilitation will be regarded as normal sickness absence.

Concerns about performance

Where a manager has concerns over the performance, attendance or conduct of a colleague, these should be discussed with the colleague in the first instance, in a confidential setting. The purpose of the discussion will be to offer support, advise and determine the extent of the problem.

Where the manager believes that the concerns involve an alcohol, substance misuse or gambling problem, they should seek support from POD or occupational health. The colleague may also wish to access support from their GP.

Problems with attendance, performance or conduct caused by occasional drinking, drug/substance misuse or gambling, and which do not appear to be due to a more persistent problem, may be dealt with in accordance with the ICB's disciplinary or capability policies.

Concerns and conduct

Where there is a suspicion that an individual is under the influence of alcohol, drugs or other substances, or is using the ICB's financial resources for gambling, this may initially be treated in the same way as any other disciplinary matter using the ICB's disciplinary policy for investigating the allegation.

If a colleague is under the influence of alcohol, drugs or other substances whilst on ICB premises, it may be necessary for them to cease work and go home. Managers should ensure that the colleague has safe means of transport and does not drive or operate any machinery.

The manager should discuss the matter with POD. There may be some circumstances where it will also be appropriate to refer the matter to the police, and this may impact on the application of internal processes.

Where it becomes apparent the issue stems from an illness, it may still be appropriate to continue with a disciplinary process, and this should always be accompanied by support.

Support available

Support can include referral to the occupational health provider, referral to external specialist support groups and offering flexibility in the role and/or hours of work. A list of external agencies offering additional support and guidance can be found below.

Where support is offered, the employee will be expected to fully participate.

Managers will maintain regular contact with individuals undergoing a support programme to ascertain what further reasonable support can be provided to encourage successful completion of the programme.

Reasonable paid time off to attend occupational health and other appointments will be granted. This must be agreed in advance by the relevant manager but will not be unreasonably refused.

Alcoholics Anonymous (AA)
Free self-help group
0800 9177 650
help@aamail.org

Al-Anon Family Groups
Offers confidential support to families and friends of problem drinkers
0800 0086 811

WAWY
We Are With You
Treatment agency supporting individuals and families manage the effects of alcohol or drug misuse

Adfam
Operates an online message board and database of local support groups
admin@adfam.org.uk

Drinkaware
Free, confidential national alcohol helpline
0300 123 1110

Drugwise
To provide drug information, which is topical, evidence-based and non-judgemental – and to promote this through media work, public speaking and lecturing.

https://www.drugwise.org.uk/

Talk to FRANK
Free confidential drug information and advice 24 hours a day
0300 1236600
www.talktofrank.com

National Association for Children of Alcoholics (Nacoa)
Free, confidential telephone and email helpline for children of alcohol dependent parents and others concerned with their welfare
0800 358 3456

GamCare
Information, advice, support and free counselling for the prevention and treatment of problem gambling.
0808 8020 133
www.gamcare.org.uk

BeGambleAware
Free, confidential help by phone or online. Learn about how gambling works, check if you or someone you know may have a gambling problem and find tips on how to stay in control.
0808 8020 133

6. Update and review

This policy will be reviewed at intervals of 3 years or following a change to legislation.

Appendix 1: Equality Impact assessment

An equality impact assessment is used to establish how a policy or similar document may impact on individuals, communities, or equality groups to identify and minimise or remove any disproportionate impact. A full impact assessment should be undertaken for policies, strategies, procedures, or projects which are anticipated to have an impact on members of the public. Read guidance on how to complete this document.

Name of policy or service to be assessed: drugs, alcohol, substance misuse and gambling policy
Department or section: People and Organisational Development
Date of assessment: 10 June 2022
Person(s) responsible for the assessment: Jo Tomlinson
Is this a new or existing policy? Existing

Aims, objectives and purpose of the policy

Describe the aims, objectives, and purpose of the policy.
To maintain a healthy work environment free from the influence of substance misuse and alcohol and problem gambling.

Who is intended to benefit from this policy, and in what way?
Colleagues and the organisation.

W**hat outcomes are wanted from this policy?**
To provide advice and guidance to managers on how to sensitively support and deal with situations where a colleague may be experiencing problems with alcohol, substance or gambling addiction

What factors or forces could contribute or detract from the outcomes?
Periodic campaigns to raise awareness amongst the staff population and promote support would contribute to achieving successful outcomes

Who are the main stakeholders in relation to the policy?
Colleagues of NHS Kernow and Isles of Scilly

Who implements the policy, and who is responsible for the policy?
The organisation implements the policy and the people and organisational development team are responsible for it

Differential impacts

Does this have a positive or negative impact on people who have a black, Asian and minority ethnic (BAME) background? How will any negative impact be mitigated?

It is not anticipated that people from BME groups would be impacted by the policy, however individuals whose first language is not English will be offered support through the process. This may include access to, and the right to be accompanied at meetings by a translator.

Does this have a positive or negative impact on people who identify as male, female or intersex? How will any negative impact be mitigated?
It is not anticipated that people who identify as male, female or intersex will be impacted differently by this policy.

What is the positive or negative differential impact on people from the perspective of disability? How will any negative impact be mitigated?
Although alcoholism and addictions do not directly amount to a disability, individuals may have associated physical or mental impairments that do amount to a disability and individual circumstances will be taken into account throughout the process, reasonable adjustments considered, to support individuals to engage with any process or support programme.

Does this have a positive or negative impact on people who identify as heterosexual, lesbian, gay, bisexual, pansexual or asexual? How will any negative impact be mitigated?
It is not anticipated that the process would differently impact on the basis of sexual orientation.

What is the positive or negative differential impact on people from the perspective of age? How will any negative impact be mitigated?
It is not anticipated the policy would have any impact on people from the perspective of age.

What is the positive or negative differential impact on people from the perspective of religion or belief? How will any negative impact be mitigated?
It is possible that different religions may have different views about the consumption of alcohol drugs and psychoactive substances. This policy applies to all colleagues and therefore the organisation should ensure that irrespective of religion or believe or colleagues are fully informed about the purpose and process of the policy.

What is the positive or negative differential impact on people from the perspective of marriage and civil partnership? This is particularly relevant for employment policies. How will any negative impact be mitigated?
It is not anticipated that the policy would have any impact on grounds of civil partnership or marriage.

Does this have a positive or negative impact on people who identify as trans or transgender, non-binary, or gender fluid? How will any negative impact be mitigated?

It is not anticipated that the policy would have any impact on this group on the grounds as trans or transgender, non-binary, or gender fluid.

Does this have a positive or negative impact on people who are pregnant, breast feeding mothers, or those on maternity leave? How will any negative impact be mitigated?
It is not anticipated that the policy would have any impact on this group.

Are they any other identified groups? How will any negative impact be mitigated?
No negative impact identified.

Human rights values

How have the core human rights values of fairness, respect, equality, dignity, and autonomy been considered in the formulation of this policy, service, or strategy?
Any applications for a MAR will be considered objectively by a panel against pre-agreed criteria. This criteria will be subject to agreement by Workforce Committee prior to the advertising of the MARS. Criteria will be linked to objective business need and EIA reviewed in light of the agreed criteria.

Which of the human rights articles does this document impact?

☐ To life
☐ Not to be tortured or treated in an inhuman or degrading way
☐ To liberty and security
☐ To a fair trial
☐ To respect for home and family life, and correspondence
☐ To freedom of thought, conscience, and religion
☐ To freedom of expression
☐ To freedom of assembly and association
☐ To marry and found a family
☐ Not to be discriminated against in relation to the enjoyment of any of the rights contained in the European Convention
☐ To peaceful enjoyment of possessions

What existing evidence (either presumed or otherwise) do you have for this?
NA

How will you ensure that those responsible for implementing the policy are aware of the human rights implications and equipped to deal with them?

Public Sector Value Act 2020

The ICB is committed and obliged to fulfil the requirements of the Public Sector Social Value Act 2012. This Act requires the organisations to consider how services

commissioned or procured might improve the economic, social, and environmental wellbeing of an area.

Please describe how this will support and contribute to the local system, wider system, and community.
The policy exists to ensure that the ICB meets its obligations to safeguard the health, safety and welfare of its colleagues and all who use its services and to maintain a healthy work environment free from the influence of substance misuse and alcohol and problem gambling.

Describe how the policy contributes towards eliminating discrimination, harassment, and victimisation.
The policy is consistent with legislation described by the Equality Act.

Describe how the policy contributes towards advancing equality of opportunity.
The policy contributes towards equality of opportunity by applying a fair inconsistent approach to managing workplace issues and facilitating reasonable adjustments where necessary.

Describe how the policy contributes towards promoting good relations between people with protected characteristics.
The policy meets the criteria of the Equality Act.

If the differential impacts identified are positive, explain how this policy is legitimate positive action and will improve outcomes, services and or the working environment for that group of people.
NA

Explain what amendments have been made to the policy or mitigating actions have been taken, and when they were made.
NA

If the negative impacts identified have been unable to be mitigated through amendment to the policy or other mitigating actions, explain what your next steps are using the following equality impact assessment action plan.
NA

Equality impact assessment action plan

Issue to be addressed	Action required	Responsible person	Timescale for completion	Action taken
NA	NA	NA	NA	NA

Comments on action plan:

Signed (completing officer): Jo Tomlinson

Date10 June 2022

Signed (head of department or section): Emma Gouge

Date: 10 June 2022

Please ensure that a signed copy of this form is sent to both the corporate governance team with the policy and the equality and diversity lead.