



REGISTERED NUMBER CIC 11373253
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Drugs, Smoking & Alcohol Policy and Procedures

Title of Policy: Drugs, Alcohol and Smoking

Effective Date: November 2019

Review Date: November 2022

Policy Number: 2

Policy Authorised by: Nicola Williams

Introduction

Allsorts Support Services CIC (which will be referred to as the organisation throughout this policy).

We want all service users to have successful and fulfilling lives.

This policy document should be considered in conjunction with all other relevant duties, policies and guidance.

Aim of the Policy

This policy is intended to set out the values, principles and policies underpinning the Organisation's approach to drugs, smoking and alcohol for all staff.

The policy has the following aims:

- To maintain a safe and healthy environment for all service users and employees.
- To comply with applicable laws and legislation.

This policy is informed by the Organisation's understanding of its statutory duties as an employer.

Having effective, up to date and easy to follow policies and written documents minimises risk to service users, employees and the Organisation itself and can ensure that statutory requirements, standards and regulations are understood and provides a framework to monitor compliance. To ensure the organisation provides a robust and clear framework, the organisation has developed this policy to manage processes to achieve compliance and effective coordination across the organisation.

Through this policy the organisation will ensure that there is a process whereby all policy documentation is consistent. In addition, there will be an effective process for managing and reviewing policies and any associated written documents on a regular basis, to ensure that documentation remains legally compliant and actions are undertaken in a safe and efficient manner.

This policy will ensure that the organisation meets its legal responsibilities and provides a clear organisational approach to documentation.

Policy statement

The organisation will provide a structure for the development of policies and other written documents.

This will include:

- Ensuring that staff have access to the most recent copies of the Organisation's documents.
- Establishing a control procedure for all policies and other written documents to ensure that those in use are current and relevant.
- Ensuring that the equality impact assessment process is completed on all policies and procedures.
- Ensuring systems exist to monitor the use of, and compliance with, all written documents.
- Maintaining an archive of past written documents, for reference and to meet legal requirements.

Alcohol and drug use

Aim of the policy

This policy is intended to set out the values, principles and policies underpinning the organisation's approach to alcohol and drug use by services users, visitors, contractors, volunteers and staff.

The policy has the following aims:

- To maintain a safe and healthy environment for all service users and employees.
- To minimise drug and alcohol related injuries to persons of property.
- To comply with applicable laws and legislation.

This policy is informed by the organisation's understanding of its statutory duties as an employer.

Alcohol and drug misuse

Statutory duties of Employers and Employees

If a Manager knowingly allows an employee to continue working under the influence of drugs or alcohol and their behaviour places themselves or others at risk, the employer or Manager could be prosecuted under the Health and Safety at Work Act 1974 or under the Management of Health and Safety at Work Regulations 1999. Under these Acts, employees are also required to take reasonable care of themselves and others who could be affected by what they do at work.

The principal legislation in the UK for controlling misuse of drugs in the Misuse of Drugs Act 1971 which makes the production, supply and possession of controlled drugs unlawful except in certain specified circumstances (for example, when they have been prescribed by a Doctor). Under the Act, if an employer knowingly permits the production, use or supply of

any controlled drugs on their premises they could be committing an offence.

Drug or Alcohol Policy:

Staff

In the organisation, the use of drugs and alcohol by service user, employees, volunteers or contractors are strictly prohibited at all times and under all circumstances.

The organisation believes that alcohol and drug misuse affect performance, behaviour and relationships and that there is overwhelming evidence of links between alcohol misuse and social and psychological disturbances, medical problems, accidents and violence. Alcohol or drug misuse can also lead to high levels of sickness, time off and absenteeism and, in addition, the possession of drugs is illegal. This is exposing the misuser and employer to the risk of criminal charges. In particular, employers could be breaking the law if they knowingly allow drug-related activities in their workplace and fail to act. The organisation, therefore, recognises its duty as an employer to provide and monitor for employees, so far as is reasonably practicable, a working environment which is reasonably suitable for the performance of their contractual duties and this includes providing a drug and alcohol free environment.

However, the organisation makes a distinction between patterns of alcohol or drug misuse which point to addiction in staff, such

as drinking or drug taking to excess continually, regularly or in intense episodes, and , on the other hand, random instances of drug taking or excessive drinking which affect work.

The organisation regards alcohol and drug misuse of the first kind as first and foremost a health problem and it's approach will be informed by the understanding. Other forms of drink and drug consumption which affect work will be treated as conduct or performance issues and dealt with according to the disciplinary rules and procedures of the organisation. Infringements of this policy by staff will be dealt with through the organisation's established disciplinary and grievance procedure. Violations of the policy are subject to the normal disciplinary sanctions. Cases where employees attend work under the influence of drugs or alcohol may constitute Gross Misconduct and lead to summary dismissal.

In all circumstances, where an employee either attends work under the influence of drugs or alcohol or uses drugs or alcohol while at work:

- The employee will be sent home.
- The disciplinary procedure will be applied.
- The police will be informed (in the case of drug use at the home).

The organisation recognises that staff suffering from a hangover or even being still over the legal alcohol limit the morning after drinking is clearly a particular danger if their duties include driving vehicles containing service users. The organisation policy is therefore that such actions on the part of any driver employed by the organisation constitutes gross misconduct and will lead to dismissal.

Any employee with a drug or alcohol related problem where a person has a state of addiction or habitual taking of alcohol or drugs will be dealt with according to the following policy:

- The employee will be encouraged to seek guidance and assistance from a suitable health or counselling agency.
- Time off for counselling and treatment will be allowed.
- Where an employee has to be away from work to undergo treatment, their job will be held open in accordance with normal sickness procedures.
- In the long-term job security must depend on work returning to an acceptable level.
- Drug or alcohol abuse will not in itself constitute grounds for dismissal, unless the person's action or performance reaches an unacceptable level or constitutes gross misconduct. Such cases will be dealt with under normal disciplinary procedures.

It is the organisation's intention to strictly enforce its no drugs or alcohol policy. All breaches of the regulations will be treated as serious matters and dealt with in the appropriate manner.

Drugs & Alcohol Policy:

Service Users and Visitors

The organisation is committed to giving service users the freedom to make their own lifestyle choices. The organisation recognises that moderate alcohol consumption forms a normal and enjoyable part of many people's lives. In this respect any service user who is on respite will be able to purchase alcohol when visiting any other premises when on any outings provided by the organisation for their own social use, subject to the following restrictions:

- The use of alcohol must be reasonable and not excessive.
- The use of alcohol must not present a problem to other service users, their relatives and visitors or to staff.
- In situations where there is concern identified in relation to the use or misuse of alcohol, discussion should take place with the service user, family members and carers.

In the Organisation:

- All new service users should be informed of the organisation's drugs or alcohol policy during their

introductory visit or during their initial interview.

- The organisation reserves the right to refuse admission to any prospective new service users with established drug or alcohol problems.
- Disputes arising with service users from the drugs or alcohol policy will be dealt with through a meeting with the service user, their family, carers and the Manager.

Drug use in the organisation is not permitted by anybody, including service users, relatives or visitors.

Procedure to Take on Suspicion that an Employee may have an Alcohol or Drug Misuse Problem

In the event of an incident with a member of staff involving alcohol or drugs, the Manager of the organisation noting trends of behaviour in a member of staff which may indicate alcohol or drug misuse, the Manager of the organisation should:

- Discuss the matter with the employee and outline the reasons for concern in the presence of a staff representative , if requested.
- Ensure that the member of staff is aware of the organisation's no alcohol or drugs policy and what it means to their rights.

- Assess whether the incident is an isolated event or part of a pattern indicating the possibility of a more serious health problem.
- As far as possible try to treat the misuse as a health issue rather than an immediate cause for dismissal or disciplinary action.

If a part of a pattern indicating the possibility of a more serious drug or alcohol related health problem then the organisations Manager should:

- Offer help and support for the employee.
- Advise the employee that they must refer themselves or be referred for confidential counselling and advice.
- Allow time off for treatment.
- Keep the individual's job open if the employee is participating in treatment and/or counselling in an attempt to deal with drug or alcohol abuse.
- Offer to temporarily move them to another job while they are getting treatment if their normal work is safety critical.
- Only take disciplinary action as a last resort (an employer could be judged by an industrial tribunal to have unfairly dismissed an employee whose work problems are related

to alcohol or drug misuse if not attempt has been made to help the member of staff).

- On the employee's return to work arrange for a full performance review.

Smoking

Policy Statement

The organisation believes that smoking at work presents a serious health hazard and fire risk for smokers and non-smokers alike. The organisation recognises its duty under the Smoke-free (premises and enforcement) Regulations 2007 to provide a smoke-free premises. The organisation also recognises its duty as an employer to provide for its employees, so far as is reasonably practicable, a safe working environment which includes not subjecting staff to an excessive smoke-filled working environment.

In view of the above, smoking is therefore strictly prohibited on the organisation's premises. This policy has been developed in consultation with service users and with staff and their representatives to help provide a healthy, safe and comfortable environment for all.

The organisation fully adheres to the new outcomes essential standards of quality and safety which consist regulations and associated outcomes. They are set out by The Health and Social Care Act 2014 for regulated activities.

Aim of this policy

This policy is intended to set out the values, principles and policies underpinning the organisation's approach to smoking free premises. The aim of the policy is to protect staff and service users from the health risks associated with the inhalation of tobacco smoke and to ensure their safety, and that of the organisation's property, by reducing fire risks. Where appropriate the organisation will also support those service users or members of staff who would like to stop smoking.

The organisation's site is a smoking free site, in order to minimise the health risks associated with smoking, and the possibility of death, personal injury or damage to property resulting from fire caused by smoking. Smoking, smoking by service users, visitors, volunteers, contractors and staff is strictly prohibited on the premises.

- Smoking is permitted by service users and staff off site of the organisation,
- Service users may not smoke indoors of the property.
- The no-smoking policy applies to all areas of the organisation including kitchens, staff rooms, office, bathrooms, toilets, service user's bedrooms, car part and the organisation vehicles.

- Smoking regulations apply equally to service users, relatives, carers, visitors, contractors and to all employees regardless of seniority.
- Staff have no rights to “smoking breaks” above or beyond their normal lunch or tea/coffee breaks.

All new members of staff should be informed of the policy during their induction period.

All policies and other written documents

It is the responsibility of the policy administrator to ensure that when a document is revised, a copy of the original is forwarded to the Manager.

Once revised policies and other written documents are approved, the manager will pass on to all employees.

Staff will be notified of newly approved/revised policies, procedures and guiding documents within one week of approval by the manager.

Non-compliance with this policy

In the unlikely event of a member of staff not respecting the policy, the organisation’s manager should attempt to resolve the situation informally in the first instance. Ultimately, repeated

breaches of the policy will result in disciplinary procedures and may lead to dismissal.

Policy Implementation

It is the responsibility of the policy administrator to keep all policies and procedures up to date. The Manager will identify how any policy or written document will be implemented. This will include liaising directly with the policy administrator in order to ensure that staff training requirements have been highlighted. Overall responsibility for ensuring the policy is implemented, monitored and reviewed rests with the organisations Manager.

Information of the policy will be:

- Circulated to staff
- Provided to all new employees

Training

All new staff will be required to read all policies as part of their induction process.

Review Process

The Manager requires that certain policies must be reviewed annually.

Where a review necessitates considerable change to the previous document, the process will be treated as though it is a new document.

Minor amendments can be notified by distributing copies of the policy to appropriate recipients, with a cover sheet with what the changes are and their implications. This sheet should be kept with the original.

Review of this policy

This policy will be reviewed on a three yearly basis or at an earlier date if changes are required due to changes in government advice.