



Marsden Community Trust

Drug and Alcohol Policy

January 2021

Review date: January 2024

Marsden Mechanics, Peel Street, Marsden, West Yorkshire HD7 6BW

## 1. Introduction

Marsden Community Trust (the Trust) is committed to providing a safe, healthy and productive working environment for all trustees, employees, contractors, customers and visitors involved in its operation. This policy sets out the Trust's aims in reducing and managing alcohol and drug problems in the workplace.

Alcohol and drug problems are prevalent in society and are associated with a wide variety of costs for both employers and employees. These costs include ill-health sickness absence, reduced work performance and accidents. The consumption of alcohol and drugs has implications for health and safety at work since these substances impair coordination, judgement and decision making; as such this is a policy matter.

## 2. Policy Aim and Objectives

### Aim

To clearly state the Trust's position on alcohol and drugs within the workplace.

### Objectives

1. To ensure the Trust complies with appropriate legislation
2. To minimise the risks associated with alcohol and drugs in the workplace
3. To have clear rules regarding alcohol and drugs in the workplace
4. To encourage the early identification of trustees or employees who may be experiencing alcohol or drug problems
5. To provide support for trustees or employees experiencing alcohol and drug problems
6. To provide training and support to managers as required to ensure they are equipped to support trustees or employees experiencing problems

## 3. Definitions

Alcohol problem - An alcohol problem is defined as any drinking, either intermittent or continual which interferes with a person's health and/or social functioning and/or work capability or conduct.

Drugs - Any drug, whether illegal, prescribed or over the counter or solvents such as glue, butane, etc. In the case of prescribed and over the counter drugs, their possession and use by the employee is acknowledged as legitimate.

Drug problem - The use of illegal drugs, the deliberate use of prescribed or over the counter drugs (when not for a medical condition) and the use of solvents, either intermittent or continual which interferes with a person's health and/or social functioning and/or work capability or conduct.

## 4. Legal

4.1 The Health and Safety at Work Act 1974 requires employers to protect the health, safety and welfare of their employees and others who may be affected by their activities, as far as is reasonably practicable.

4.2 The Management of Health and Safety at Work Regulations 1999 requires employers to carry out a risk assessment to identify hazards in the workplace and put measures in place to minimise these risks.

4.3 The Misuse of Drugs Act (1971) is the main legislation covering drugs and categorises them as classes A, B and C. These drugs are called controlled substances and class A drugs are considered to be the most harmful under this act. It is illegal for anyone, whether at work or not to produce, supply or be in possession of illegal drugs. Employers may be liable if they knowingly allow dispensing, manufacturing, possession, using or selling on their premises.

## 5. Policy Rules

5.1 The Trust requires all trustees and employees to report for duty free from the effects of alcohol and drugs. It is not acceptable to be under the influence of alcohol or drugs at work or consume alcohol or drugs during hours of work- this includes paid and un-paid breaks.

5.2 Trustees or Employees found in possession of illegal drugs or using illegal drugs whilst at work will normally be reported to the police.

5.3 In some cases the legitimate use of prescribed drugs can affect a person's ability to do their job. In such instances trustees or employees should inform their manager.

## 6. Education

6.1 The Trust is committed to promoting healthy lifestyles to trustees and employees.

6.2 Training will be provided for managers, as required, to outline their responsibilities for enforcing this policy and additional support can be sought from the Building Management Group Lead Trustee. New managers will be made aware of their responsibilities in relation to this policy via the Trust induction programme.

6.3 This policy will be sent to all trustees and staff on launch and will thereafter be held on the Trust's website. New staff will be made aware of this policy at induction and will be sent a copy with their contract of employment.

## 7. Implementation of the Policy

### 7.1 Identification of a problem

Alcohol and drug problems may become apparent through a number of means, for example the following (particularly in combination) may result in a problem being suspected:

- Persistent short term absence; Unauthorised absence; Poor time keeping; Reduced work performance; Poor working relationships, and Deterioration in appearance

However it must be remembered that these factors can have a number of other causes. Trustees or Employees experiencing alcohol or drug problems may first become apparent to their colleagues. If a trustee or member of staff suspects an alcohol or drug problem in a colleague they should either:

- Encourage the person to seek help from support agencies
- Report the matter to a manager (particularly if the person is involved in a safety critical job).

### 7.2 Misconduct

This policy is primarily concerned with ongoing alcohol and drugs problems which are classed as capability issues, i.e. where the problem impacts on the person's ability to do their job.

One-off cases where the rules of this policy are breached, such as someone reporting for work clearly under the influence of alcohol or drugs or suffering from the effects of alcohol will be classed as a conduct issue and will be dealt with under the normal disciplinary procedures as outlined in the Trust hand book.

Very serious incidents such as violence at work whilst under the influence of alcohol or drugs or dealing illegal drugs at work will be deemed serious misconduct justifying summary dismissal.

In some instances of misconduct where the trustee or employee admits to having an alcohol or drug problem, disciplinary proceedings may be held in abeyance subject to successful outcome of treatment.

In instances of serious misconduct where the trustee or employee subsequently admits to having an alcohol or drug problem, the support route and the disciplinary route may be implemented in tandem.

### 7.3 Voluntary Referral for Support

Trustees or Employees who suspect or know they have a drug or alcohol problem are encouraged to seek support at an early stage. Sources of support are outlined in Appendix 1. Trustees or Employees may or may not wish to inform their manager in such instances.

### 7.4 Referral by Management

Trustees or Employees suspected of having an alcohol or drug problem will be offered support. The flowchart in Appendix 1 will be followed.

Where the problem has become apparent through deterioration in work performance, the trustee or employee will have to demonstrate satisfactory completion of a programme of support and an improvement in work performance or disciplinary action will be taken.

Employees will be given the opportunity of attending treatment within work time. Alternatively if employees require to be absent from duty normal sick pay arrangements will apply.

#### 7.5 Confidentiality

The Trust aims to ensure that the confidentiality of all trustees or employees experiencing alcohol or drug problems is maintained by appropriate people. Information regarding individual cases will not be divulged to third parties unless the safety of the person concerned or others would be compromised by not doing so.

#### 7.6 Equal Opportunities

This policy will apply equally to all trustees and staff regardless of grade, experience or role within the Trust.

#### 7.7 Relapse

The Trust acknowledges that relapse is common with alcohol and drug problems. Trustees and Employees will normally be supported through two relapses after treatment. Subsequent relapses will be reviewed on a case-by-case basis, taking into account the needs of the department affected and the business needs of the organisation. Trustees and Employees should be aware that the disciplinary route might be followed after subsequent relapses.

#### 7.8 Return to Work.

Following treatment the Trust will endeavour to ensure the trustee or employee returns to their existing job or responsibilities. If the trustee or employee is unable to fulfil those duties the Trust will consider alternative duties. Promotional prospects will be unaffected following treatment.

### 8. Monitoring and Review

8.1 This policy will take effect from 26th April 2021. As this policy constitutes a change in employment terms and conditions employees will be given a 12-week notice period of the policy taking effect. This notice period will commence on 1st February 2021.

8.2 The Trustee responsible for policies is responsible for monitoring how this policy works in practice.

8.3 If trustees or employees have concerns about this policy they can be raised with the relevant Trustee.

8.4 This policy will be reviewed in 36 months.

The Employment Protection (Consolidation) Act (1998) requires that all staff be given 12 weeks notice of any changes to working conditions - the introduction of, or changes to, policies concerned with alcohol and/or drugs may constitute such a change.