

HUMAN RESOURCES POLICIES AND PROCEDURES

ALCOHOL AND SUBSTANCE MISUSE POLICY

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HUMAN RESOURCES POLICIES AND PROCEDURES

1. Operational Summary

1.1 Policy Aim

The policy aims to provide guidance to managers and staff on the Company's policy and procedure for the management of alcohol and substance misuse amongst all staff including sub-contractors on site.

1.2 Policy Summary

The Company has a general duty under the Health & Safety at Work Act 1974 to ensure as far as is reasonably practicable the health, safety and welfare of all employees.

1.3 What it means for employees

Heads of Department/Directors/Managers – are responsible for ensuring adequate dissemination and implementation of policies.

All employees – are responsible for reading the revised policy to ensure they are aware of the standard of behaviour the Company expects from all its workers.

1.4 Definitions

Drug Misuse

To misuse a drug is to use a drug for purposes it is not intended for.

Drug Abuse

People who abuse drugs typically do not have a prescription for what they are taking. Not only do they use it in a way other than it is prescribed, but they also use it to experience the feelings associated with the drug.

Alcohol and substance misuse

The abuse of alcohol or other drugs where it has a detrimental effect on the physical and mental well-being, family life or work performance. Alcohol and substance misuse affects concentration, coordination and work performance which may be detrimental to customers, colleagues, the public and the quality of service provided.

Impaired

Any drug is found in your fingerprint, urine, saliva or breath sample for alcohol that:

- is reported as above recognised cut off levels for workplace testing or;
- you have alcohol in your breath above 17 micrograms or;
- you have levels reported as positive from any UKAS accredited laboratory in any sample test.

For absolute clarity, by “impaired” we mean the levels in your sample and in no way does this definition relate to your mental state or the influence alcohol or drugs are having on you.

2. Introduction

The Company considers alcohol and substance misuse to be an important health and safety issue and recognises its responsibility as an employer towards the health, safety and welfare of employees.

The policy will provide a supportive framework for dealing sensitively and confidentially with those employees, who develop a dependency which is affecting their work performance and potentially threatens their employment prospects, where the individual proactively engages in support.

Advance Northumberland has a zero-tolerance approach where an individual is confirmed as having misused drugs and these being in their system following authorised testing.

Advance Northumberland’s agreed maximum level of alcohol in breath is 17µ (micrograms) of alcohol per 100 millilitres of breath.

Consuming alcohol or drugs that causes impairment whilst on duty (this includes paid/unpaid breaks) is classed as gross misconduct under the Company’s Disciplinary Procedure. Being impaired for duty through the use of alcohol or the misuse of drugs or solvents is also classed as gross misconduct under the Company’s Disciplinary Policy.

The nature of our work is such that you are expressly forbidden to consume alcohol when at work, bring it on to our premises, in our vehicles or on the premises of our customers, for the purposes of consumption, under any circumstances. If you misuse drugs during working hours or whilst on our premises, in our vehicles or on the premises of our customers then you will be committing an act of gross misconduct under the Company’s Disciplinary Policy.

Where staff have to drive as a part of their job and lose their licence due to driving whilst under the influence of drugs or alcohol or are diagnosed as having problems including a dependence relating to the use of drugs and/or alcohol then it will be the Company’s policy to follow the advice of the DVLA which is as follows:

Alcohol misuse normally requires a revocation of a Group 1 license for 6 months after controlled drinking or abstinence has been achieved, whereas Group 2 drivers require 12 months to elapse. Alcohol dependence requires a year’s abstinence for Group 1 and 3 years for Group 2 drivers.

<https://www.gov.uk/guidance/current-medical-guidelines-dvla-guidance-for-professionals-conditions-a-to-c>

Where staff are unable to provide alternative transport, the member of staff may be dismissed, though the possibility of alternative work should be discussed with the individual..

Alcohol and substance misuse can be treatable and the success rate is likely to be greater when the individual acknowledges the problem and receives support sooner rather than later. Alcohol misuse can often be linked to stress.

The policy is applicable to all employees of Advance Northumberland irrespective of role or nature of employment.

3. Purpose

- The Company has a general duty under the Health and Safety at Work Act (1974) to ensure, as far as is reasonably practicable, the health, safety and welfare of all employees.
- To promote awareness of the problems associated with alcohol and substance misuse.
- To encourage a responsible attitude to alcohol and intoxicating substances.
- To provide a working environment which ensures the health and safety of all employees, avoiding unnecessary illness, absence and job loss which could result from such abuse.
- To provide a supportive environment to encourage employees with a recurrent dependence on alcohol or substances to seek early advice and facilitate access to treatment.
- To provide a consistent, supportive and non-judgemental response to staff with alcohol/substance misuse related problems.
- Where possible, assist employees to attain a state of good health and wellbeing.

3.1 Testing

Advance Northumberland have appointed an independent testing company to provide all drugs and alcohol testing for the organisation.

4. Testing and Outcomes

If a line manager has concerns about a member of staff's ability to undertake their duties in a safe manner or there is a smell of alcohol, the member of staff should be asked to wait somewhere private (e.g. manager's office) to await a testing procedure, and the line manager should contact either the Head of Department or the HR Team for advice. The individual should be excluded from duty until a decision on their fitness has been made.

If a colleague is concerned that an employee poses an immediate risk to customers, colleagues or themselves they must inform an appropriate manager without delay.

Employees should be aware that this policy and associated testing procedures form part of the conditions of employment and any form of testing will be in line with the types of testing referred to in section 6. Employees are advised that a refusal to comply with any reasonable testing procedure will be considered a wilful refusal to follow a reasonable managerial instruction, which is in itself a disciplinary matter, that may result in disciplinary action being taken.

4.1 Process

We reserve the right to require you to submit to a sample test at any time under the circumstances set out below. Sample tests will include breath for alcohol and fingerprint or saliva tests for drugs. A failure to adhere to this requirement will be considered a wilful refusal to follow a reasonable managerial instruction and adverse inferences may be drawn on your state of intoxication.

All tests will be conducted by an external provider nominated by the Company, who is trained and certified in chain of custody sample testing. The processes followed are shown in Appendix 5- Alcohol testing procedure and Appendix 6- Drug testing procedure.

The appointed provider will test the sample which may include the use of a disposable drug testing kit. If the sample proves to be negative (i.e. clear) then the procedure will be terminated, the sample disposed of and the result recorded as being negative. If the sample proves to be positive (i.e. substance detected) then a further sample may be collected which will undergo further analysis by the Company approved laboratory.

In the event of a positive result, the staff member will have the right to challenge the result. This will be through the 'B' sample that formed part of the chain of custody collection that was consented to. The 'B' sample is retained by the Laboratory in line with best practice which is typically 12 months.

If the staff member decides that they wish to proceed to challenge this result, they should be informed of the procedure to challenge the result and the testing laboratory should be given notice that the donor intends to challenge the result. A copy of this process is contained in Appendix 7. All costs associated with an appeal will be met by the individual.

In the event of an overturned test, we will balance all the available evidence without specific reliance on either test

Testing will occur in one of the following situations:

1. "For Cause" or Reasonable suspicion Testing
2. Post-Accident Testing
3. Follow-Up Testing
4. Random Testing

"For Cause" or Reasonable suspicion Testing- we reserve the right to request that you comply with cause for concern testing. This is where a manager believes that you may be impaired as per the definition above. We believe that such a request is a reasonable managerial instruction. We may request that you submit to reasonable suspicion testing when we feel you are impaired and are present at our sites, the sites of our customers or engaged in activities in any other location for the purposes of your employment with us.

Post-Accident Testing - under the terms of your employment the Company may request that you comply with post-accident testing. We may request a test where an accident occurs that falls within the definition of RIDDOR and where the Company has a duty to notify the HSE, or there is cause for concern or the accident occurred whilst plant or vehicles were being driven or where there is a near miss that could have been of a serious nature.

Follow-up testing- In some cases it may be necessary to instigate a monitoring programme for a period of time in order to ensure abstinence. Occupational Health advice will be sought in these circumstances. This will be used in instances where:

- the employee approaches in confidence and explains that they have a drug or alcohol problem or;
- an employee has a positive test and in the circumstances is not dismissed.

Random Testing – Advance Northumberland operates a programme of monthly random testing for Alcohol and Substance misuse. Testing may take place at any of Advance Northumberland’s premises.

As per “For Cause” testing, the company will use a third-party supplier who will be asked to attend any of our sites and to test approximately 10% of those present on the site at that time. Those chosen will be a random selection based on staff who are signed in at the time of arrival. Where there are low numbers of staff on any particular site, we reserve the right to test all those present.

Refusal to participate in a test may be a disciplinary issue and will be investigated under that procedure.

The same process for random testing will apply as with “For Cause” testing.

4.2 Training and Support

This policy will be conveyed to new employees as part of the induction process and through health promotion events.

Sessions will be made available to managers to raise their awareness of possible alcohol and substance misuse amongst staff.

4.3 References

HSE Guide for Employers on Alcohol at Work (2007)
Health and Safety at Work Act 1974, Section 2
Management of Health and Safety at Work Regulations 1999
DVLA’s current medical guidelines for professionals

4.4 Associated Documents

Reference	Title
1	Capability
2	Disciplinary

4.5 Further Resources

Advice for the families of drug users

<http://www.nhs.uk/Livewell/drugs/Pages/caring-for-a-drug-user.aspx>

Alcoholics Anonymous

<http://www.alcoholics-anonymous.org.uk/>

Caring for an alcoholic

<http://www.nhs.uk/Livewell/alcohol/Pages/Caringforanalcoholic.aspx>

Chief Medical Officer's Drinking Guidelines

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/602132/Communicating_2016_CMO_guidelines_Mar_17.pdf

Drink Aware

<https://www.drinkaware.co.uk>

Five Steps to Mental Wellbeing

<http://www.nhs.uk/Conditions/stress-anxiety-depression/Pages/improve-mental-wellbeing.aspx>

Frank

www.talktofrank.com

NHS "One You" <https://www.nhs.uk/oneyou>

5. Detailed Process

5.1 Alcohol Testing

Introduction

There are different methods of testing for alcohol in the body. Testing for alcohol generally relies on breath testing. To dispel any doubts over the validity of the testing methods, the Company uses methods of testing that are concurrent with the methods employed by the British Police Forces and also approved by the Home Office.

The Company uses an electronic breath test device; manufactured by Home Office approved companies (Instructions for use and other information are supplied with these products).

The electronic breath-alcohol testing device gives a direct μ BrAC reading.

The Company limit is 17 μ and we will notify all employees if a change in the levels at which testing is carried out are to be considered. For example, the latter could be due to changes in legal requirements and industry best practice.

5.2 Alcohol Testing Procedure

The Company Alcohol Testing Procedure is as follows:

The employee or contractor is informed that they have been identified to be breath tested for alcohol.

The employee or contractor attends a suitable location giving aural and visual privacy, where the breath test is to be administered.

The employee or contractor may be accompanied by a witness (e.g. a work colleague) if requested by the staff member.

The employee or contractor is provided with a Donor Information Sheet, which explains in detail the testing procedure.

The employee or contractor is then required to sign a Consent Form regarding this impending test.

The breath test is administered according to the instructions.

1. If the breath test is negative i.e. Indicating a reading below 17 micrograms, then the individual will be free to return to work unless a drug test is required.

If the breath test indicates a reading of 17 micrograms or above, the individual is asked to wait 20 minutes when a second breath test is administered.

The results of the second breath test are taken to be definitive.

2. If the second test is positive (i.e. indicating a reading at or above the Company advisory level) then the individual will be suspended with pay, awaiting possible disciplinary proceedings. The employee will be escorted off the premises and suitable arrangements made for them to travel home.

Employees or Contractors will be advised they should not drive their own vehicle and that alternative travel arrangements can be made. If they choose to drive the vehicle then the Police will be informed.

Where the most senior person on a site is considered to be in contravention of the Company's Alcohol and Substance Misuse Policy, a responsible person onsite will refer the matter to the individual's immediate superior who will make the necessary arrangements for the individual to be tested.

If an individual refuses to give a breath specimen the individual is informed that such a refusal is a failure to comply with this Policy and as such, may invoke the Company Disciplinary Procedure.

Where the result is positive, the employee will be suspended pending a disciplinary investigation, under the Company Disciplinary Policy

5.3 Drugs testing procedure

Introduction

There are different methods for testing for drugs in the body. Testing for the misuse of drugs depends on the collection of samples for analysis which can be achieved by the use of a portable testing kit for preliminary screening.

To dispel any doubts over the validity of the testing methods, the Company uses methods of testing that are currently recognised throughout industry. This may be oral or fingerprint testing.

Oral – a fluid specimens for legally defensible drug testing need to be collected under circumstances which respect the dignity of the individual whilst ensuring that the sample is freshly collected. Suitable records must be made when the specimen is collected to prove that the specimen collected, and the sample received by the laboratory is one and the same.

Fingerprint – a slide to capture the fingerprints for legally defensible drug testing need to be collected under circumstances which respect the dignity of the individual whilst ensuring that the sample is freshly collected. Suitable records must be made when the specimen is collected to prove that the specimen collected and the sample received by the laboratory is one and the same. Staff members who are asked to participate in this type of testing, will first be asked to wash their hands. This will ensure that any traces of substances picked up of a surface have been removed. The individual will

wait with the tester until their hands have reached an appropriate temperature for testing, finger print testing will then be conducted.

This is the first link in the chain of custody process which, when reconstructed at a later date, can be used to prove that the final result belongs to the specimen collected

The disposable drug testing kit is also set to the established cut-off levels to avoid any risk of false positive results by environmental exposure. The Company recognises that these methods are the current best practice and best available technology.

All drug testing will be conducted by our appointed testing company.

At present, the Drug Testing Procedure involves up to six stages depending on whether a positive result is obtained, all strictly controlled by a process referred to as "Chain of Custody". The stages involved are summarised here:

- Sample Collection
- Adulteration Testing
- Preliminary Screening
- Confirmatory Analysis
- Reporting of Results
- Medical Review

5.4 Sample Collection

"Chain of Custody" is the name given to the procedures that are employed to ensure that a sample travels in an intact and secure manner from the donor to the laboratory and all the way through the laboratory process and up to, and including, the reporting of the laboratory results and medical review.

The individual will be asked to donate a sample for preliminary screening using the procedures for sample collection given by the Company approved provider.

The donor will witness the sample collection and also the record keeping and identification procedure for the sample. This is the only stage of the procedure that the donor will witness so it is important that the collection is undertaken correctly and under the correct supervision.

5.5 Adulteration Testing

The whole procedure will be carefully witnessed to prevent adulteration or substitution of other

substances by the donor.

5.6 Preliminary Screening

The competent person will test the sample using the disposable drug testing kit. If the sample proves to be negative then the procedure will be terminated, the sample disposed of and the result recorded as being negative. If the sample proves to be positive, then further samples will be taken in order to undergo further analysis by the Company approved laboratory.

5.7 Confirmatory Analysis

If the sample proves to be positive then a laboratory confirmation is required, this consists of splitting the sample into two vials or two new sample slides, if fingerprint testing, which are uniquely labelled and sealed with tamper evident seals. The two sample vials / slides will be sent to the Company approved laboratory for confirmatory analysis.

The Laboratory will firstly ensure that the sample vials /slides have not been tampered with to confirm the "Chain of Custody" procedure has been followed. One of the sample vials /slides is then opened for laboratory preliminary analysis to exclude adulteration and then the sample is subject to extensive analysis to screen for the range of drugs using immunoassay techniques. The second sample vial / slide will be retained in storage by the Laboratory for reference purposes.

If the Company approved laboratory immunoassay tests prove positive, then specific methods are then used to determine the sample contents (these being liquid or Gas Chromatography and Mass Spectrometry). These methods are used as part of the confirmatory analysis procedure.

5.8 Reporting of Results and Medical Review

All stages of the analysis are carefully monitored by the Company approved laboratory toxicologists. Once the results are known then they will be reported to the Medical Review Officer, who will interpret the results of the analysis, which will be subsequently confidentially reported to the HR Team.

5.9 Drug Testing Methods

The employee or contractor is informed that they have been identified to be tested for drugs.

The employee or contractor attends a suitable location giving aural and visual privacy, where the sample is to be collected. They will be asked to wash their hands and will then wait until the hand temperature is regained.

The employee or contractor may be accompanied by a witness (e.g. a work colleague, if required).

The employee or contractor is provided with a Donor Information Sheet, which explains in detail the testing procedure.

The employee or contractor is then required to sign a Consent Form regarding this impending test.

The sample is given by the donor to the Competent Person (via a special container).

The Competent Person will test one portion by various methods to ensure that adulteration has not occurred.

If ascertained that adulteration has occurred, then this may constitute a breach of the Company Disciplinary Procedure.

If an individual refuses to give a sample the individual is informed that such a refusal is a failure to comply with this Policy and as such, may invoke the Company Disciplinary Procedure.

The sample will be tested by the Competent Person for a number of drugs that will be advised at the time of the test using the disposable immunoassay technique.

If the disposable immunoassay result is negative (refer to the instructions for use) then the individual will be asked to sign a record and will then be free to return to work once a breath test for alcohol has been completed.

If the disposable immunoassay result is positive then a second, more comprehensive, confirmation analysis will be required (i.e. despatch of sample to a UKAS accredited Company approved laboratory).

During this time the individual will be suspended with pay awaiting the results.

If the Company approved laboratory result is negative (this may normally take up to 5 days from receipt at the laboratory for verification) then the individual will then be asked to sign a record and will be free to return to work.

If the Company approved laboratory result is positive, then the individual will continue to be suspended with pay awaiting a Disciplinary Investigation. A copy of the sample result will be given to the individual.

5.10 Challenging a Result

In the event of a positive result, the staff member will have the right to challenge the result. This will be through the 'B' sample that formed part of the chain of Custody collection that was consented to. The 'B' sample is retained by the Laboratory in line with best practice which is typically 12 months.

If the donor decides that they wish to proceed to challenge this result, they should be informed of the procedure to challenge the result and the testing laboratory should be given notice that the donor intends to challenge the result.

The employee will need to contact ELAS and make arrangements to transfer the sample to an independent laboratory who hold the relevant UKAS 17025 accreditation.

They are also advised to notify the human resource department of the Company to advise them that they are challenging the result.

This analysis will be conducted at the employee's own expense.

The Laboratory performing the analysis will need to meet criteria for Workplace drug testing in the UK to legally defensible standards.

6. Alcohol and Substance Misuse Support

6.1 Managers

Managers should be aware of the policy and procedures and should be alert to the early indicators of a potential problem.

Managers who suspect an employee of having an alcohol or substance misuse problem should seek an informal discussion with the employee. The purpose of the discussion is:

- To alert the employee to the problems identified in relation to work performance, absenteeism, etc.
- Explain inappropriate behaviour in the workplace.
- To provide the opportunity for an open discussion about the perceived problems.
- To advise the employee that there is a Policy and give the employee a copy.
- Where there is cause for concern following an open discussion a direct referral will be made to Occupational Health, in conjunction with the HR Team.
- If concerns continue the manager may, through the HR Team, request a drugs and alcohol test.

Where an individual comes forward and admits to a potential problem then they should also be offered the opportunity to see the Occupational Health Service. This may include the Company making arrangements for them to get home safely on that day. Where possible, they will be contacted the following day to discuss the way forward.

The employee should be given a copy of this policy and both manager and employee should review the flowchart (See Appendix 10) to ensure that there is full compliance with the policy.

6.2 Workers

Early detection is a key element in developing a positive approach and encouraging staff to seek successful treatment.

Workers who know or suspect they have an alcohol or substance misuse problem may wish to voluntarily seek advice. They should discuss the matter with their manager or if they do not wish to involve their manager then they may contact a member of the HR Team.

If the employee should wish to seek help outside the Company, they should be encouraged to go to their General Practitioner or a specialist agency. Occupational Health will be able to provide confidential advice on appropriate agencies following a referral by their Manager or HR.

Where you are taking medication, whether prescribed or 'over-the-counter,' you must ensure that you read the instructions and notify your manager if there are any side effects that will impact on your ability to undertake your duties safely. You must also exercise your own judgment in the way you are feeling and if you believe that the medication will, or is, having any effect on your work or fitness for work in any way whatsoever, you must advise your line manager. We reserve the right

to alter your tasks, role or duties whilst taking such medications. We also reserve the right to deny you access to Company machines, equipment and vehicles or require you to carry your prescription at all times whilst using such medications

You may be requested to undertake frequent or infrequent testing. You may also be requested to participate in counselling, whether provided by the Company or not. These requests are considered a reasonable management instruction. Further positive tests or a wilful refusal to engage with the testing or counselling will be handled in accordance with the Company's Disciplinary Policy that may result in disciplinary action up to and including dismissal for gross misconduct. Follow-up testing is agreed to in the Alcohol and Substance Misuse Agreement (Appendix Two) but further details will need to be agreed separately or in cases where the individual is not subject to the Alcohol and Substance Misuse Agreement (Appendix 11).

6.3 Colleagues

It is important to remember that all employees have a duty of care to customers and each other and are able to seek advice from an appropriate manager or the HR Team.

If a work colleague is concerned that an individual has a recurring alcohol or substance misuse problem that is affecting their work the colleague can:

- discuss it with the employee encouraging them to seek help
- inform the line manager confidentially of their concerns
- speak to a member of the HR team

6.4 Occupational Health

The Occupational Health Service will provide managers with information regarding any alcohol or substance misuse to ensure that any adjustments to duties are put into place to ensure a safe environment for the individual, colleagues, customers or the general public. Workers will be informed about this requirement.

6.5 Entering into an Alcohol and Substance Misuse Agreement

This agreement is between the individual employee and the Company. It is designed to both encourage the employee who is misusing alcohol, drugs or other substances to voluntarily seek help and to provide a fair system under which managers can refer an individual for help.

In cases of referral through Human Resources, the agreement will be confidential to the employee, Human Resources and Occupational Health except when it is deemed by the Occupational Health Physician or Senior Nurse Practitioner that there are safety implications and the employee is not compliant with medical recommendations and management need to be informed.

When the referral is made via the manager to Occupational Health, a review letter will be sent to the manager who will be informed of failure to attend appointments or termination of the agreement.

6.6 Aims and conditions of the Agreement

a) To encourage and assist employees, who know or suspect their alcohol consumption or

substance misuse is affecting their behaviour and or work performance, to seek help at an early stage.

To ensure a caring and consistent approach by managers to assist their staff who have recurrent alcohol related or substance misuse problems. Employees with a confirmed recurring alcohol or substance misuse problem accepted for assistance are entitled to:

- treatment arranged by the Occupational Health Department e.g. referral to a specialist substance misuse service.
- authorised absences where necessary for treatment with all normal Company sickness benefits.
- security of employment following authorised absences for treatment.
- alternative employment will be made available where possible and where it is agreed mutually by the employee, employee's manager and Human Resources as advised by the Occupational Health Department.

An employee will, where possible, return to their former job.

b) Alcohol and substance misuse will be treated as a health issue, unless there are any behavioural or performance issues that affect the delivery of care to service users and/or the public and safety or other issues. Examples of this are when the employee:

- without due cause, refuses to acknowledge the existence of an alcohol or substance misuse problem.
- refuses the advice given by the Occupational Health professional.
- fails to comply with the advice or treatment recommended.
- fails to attend appointments without good reason acceptable to the Occupational Health professional.
- fails to respond to or benefit from advice or treatment.
- fails to inform the Company of any alcohol / substance misuse incident with police involvement that are later brought to the Company's attention.
- tests confirm that the individual was on site or undertaking services on behalf of the Company whilst "intoxicated" as per the definitions described in section 3.
- for the avoidance of doubt, the Company's cut off levels to determine intoxication are;
 - 17 µ (micrograms) of alcohol per 100 millilitres of breath
 - Cut off levels set to international cut off levels (i.e. European Workplace Drug Testing Society- EWDTS)
- where the person drives a Company vehicle then we shall follow the advice of the DVLA see page 5

c) All medical advice and treatment is confidential between the employee and the Occupational Health professional. Employees will be encouraged to give consent for managers to be provided with a review report on the employee's progress and compliance with the agreement. No other details will be disclosed to the Company without the employee's

consent unless it is deemed that there is a health and safety issue.

- d) The individual will be advised that Occupational Health will liaise with their General Practitioner/other healthcare professionals with regard to any treatment and progress or deterioration or removal from the agreement to ensure that ongoing medical care will be instigated.
- e) In cases of relapse, following successful treatment and consequent removal from the agreement protection, employees referred by their manager may be readmitted to the agreement protection following a consultation with the Occupational Health Physician or Head of Department.
- f) As part of the terms of the agreement the individual will be subject to regular unannounced testing at their place of work for a period of time defined within the individual agreement but not less than 6 months.

7. Referrals to Occupational Health

7.1 Management Referral for Substance Misuse Problem

- a) The manager should liaise with the HR Team to ascertain if a referral is appropriate.
- b) The management referral letter should contain a brief account of the reasons for the referral and whether any disciplinary action is pending.
- c) In cases of emergency, the referral can be made by telephone, but a follow up letter should be sent.

7.2 Referral through HR

Where the employee does not wish to disclose the substance misuse problem to their manager, they can refer themselves by contacting the HR team. Normal rules of confidentiality will apply for this type of referral. The only report that will be made to managers will be at the employee's request in the event of impending disciplinary action, where the individual is already receiving treatment or if it is deemed that there is a health and safety risk to the employee, colleagues or customers.

7.3 Assessment and Investigation

The Occupational Health professional will undertake appropriate assessment and investigations to ascertain sufficient evidence of recurring alcohol/substance misuse problem. If there is insufficient evidence, the individual will be referred back to the manager where alcohol/substance misuse is suspected:

- a) The employee needs to acknowledge that they have an alcohol/substance misuse related problem.
- b) The employee will have the terms of the contract explained to them.
- c) The employee will be asked to accept treatment under the terms of the contract with available

means of treatment explained to them. If treatment is refused, the individual will be referred back to the manager with a report recording this fact.

- d) If treatment is accepted, the individual will be registered by the Occupational Health Department.
- e) The Occupational Health Department will provide, with the consent of the employee, a progress report to the manager periodically.
- f) The employee will be given set dates and times to attend Occupational Health on a monthly basis for four months and then a case review will take place.
- g) If there is noncompliance with the referral and action recommended by the Occupational Health Service, this may lead to disciplinary action as per the Company's Disciplinary Policy if there are implications on work performance.
- h) The Company recognises that a relapse, during or after treatment of alcohol or drug misuse, is a common feature. Whilst the Company will be sympathetic to anyone with such problems, it cannot condone the conduct of employees who wilfully contribute further to their alcohol or drug misuse problems. The Company will require from the employee the restoration of work performance/improved attendance to an acceptable level within a reasonable timescale.
- i) If there is a breach of the agreement, the Occupational Health Physician or specialist nurse practitioner may recommend that the employee be removed from the agreement. In this event the behaviour may be dealt with via the Disciplinary Procedure if there are implications on the ability of an individual to undertake their duties of their role effectively.
- j) If there is no evidence of improvement, the Occupational Health Physician or specialist nurse practitioner may recommend that the employee be removed from the agreement.
- k) The employee also has the right to remove themselves from the agreement with the agreement of a member of Occupational Health Nurse Practitioners if they both feel that they have reached a point where their alcohol or substance misuse is under control and the correct support is in place.
- l) If there is a reoccurrence of poor work performance, this should be regarded in its own merits and procedural guidelines should be followed as per the Learning and Development Policy. However, disciplinary or capability procedures may be instigated where identified alcohol or substance misuse problems lead to unsatisfactory behaviour or performance.
- m) The manager will be kept informed of the status of the agreement, with the consent of the employee.

7.4 Re-admission to the Agreement

All employees referred should be readmitted at the discretion of the Occupational Health Physician

or Head of Occupational Health Service.

7.5 Follow-Up Testing Process

Follow-up testing is a condition of the Alcohol and Substance Misuse Policy. It may also be used in areas where management has deemed that drug and alcohol testing may be appropriate e.g. for health and safety reasons. Further to OH advice an agreement will need to be made to establish the monitoring period and frequency/nature of testing.

The individual circumstances will dictate what should be included in the agreement but as a guide it could contain:

- The circumstances leading to the process i.e. previous failed test not resulting in dismissal or that the employee has advised us of a drug/alcohol problem
- The length of time that the monitoring period will last for
- The number of drug/alcohol tests which will be administered over this period
- Whether these will be planned or ad-hoc
- The number of days' notice which need to be given to change any planned drug or alcohol tests
- Where the tests will be administered
- Who will administer the tests
- Any further support which is being offered through the Occupational Health service
- The potential consequences of a failed test or a wilful refusal to engage with the process

CONFIDENTIAL

ALCOHOL & SUBSTANCE MISUSE AGREEMENT

Part 1:

You have been given a copy of the main points of the agreement

You are now being offered assistance in confidence under the terms of the Alcohol and Substance Misuse Policy.

You may accept or reject this offer, but you are strongly urged to accept. Please complete the section below.

I have read and have had the opportunity to discuss the main points of the agreement and understand that I will be subject to unannounced regular testing and;

ACCEPT

REJECT

Treatment in compliance with the terms of the Alcohol and Substance Misuse Policy.

Referral through Human Resources

Manager Referral

Name of Employee	
Date of Birth	
Signature	
Date	

OH Professional (BLOCK CAPITALS)	
Signature	
Date	

REMOVAL FROM THE ALCOHOL & SUBSTANCE MISUSE AGREEMENT

- a) I understand that I am being removed from the agreement under the terms outlined at the outset.
- b) I am no longer under the provision of the agreement from the date stated below.

Name of Employee	
Date of Birth	
Signature	
Date	

OH Professional (BLOCK CAPITALS)	
Signature	
Date	

SELF-REMOVAL FROM THE AGREEMENT

I have made an informed choice to remove myself from the agreement with effect from
 and the terms outlined at the outset no longer apply.

Name of Employee	
Date of Birth	
Signature	
Date	

OH Professional (BLOCK CAPITALS)	
Signature	
Date	

To be given to all employees entering into the agreement:

MAIN TERMS OF THE AGREEMENT

In the case of referral through Human Resources, the agreement is between the individual employee and Occupational Health Service and there is no management involvement.

Following management referral, the agreement is between the employee and Occupational Health, but Occupational Health will provide a progress report to the referring manager and reserves the right to inform the manager if the employee fails to comply with main terms of the contract.

Employees with a confirmed alcohol or substance misuse problem are entitled to:

1. Treatment provided or arranged by the Occupational Health Department.
2. Authorised absences where necessary for the purpose of treatment.
3. Security of employment – following authorised absences for treatment.
4. Alternative employment or temporary adjustment of the job tasks during the period of treatment. Alternative employment will be made where it is mutually agreed by the employee, Occupational Health and the Manager/Human Resources.
5. Alcohol and Drug misuse will be treated as a health issue, unless there are any conduct or performance issues that affect the delivery of service to customers and/or the public and safety.
6. The agreement may be terminated when:
 - Without due cause refuses to acknowledge the existence of a substance misuse problem.
 - Refuses advice or treatment given or arranged by the Occupational Health Department.
 - Fails to comply with the advice or treatment.
 - Fails to attend appointments.
 - Fails to respond to or benefit from the agreement.
 - Fails to inform the Company of any alcohol / substance misuse incidents with police involvement that are later brought to the Company's attention.
7. In the event of a disciplinary issue, alcohol or substance misuse may be considered as mitigation if the employee has already sought help either through Occupational Health or via an external agency. Confirmation would be required that assistance has been sought from an external agency.
8. Relevant information will be exchanged for review purposes with the employee's manager with

the employee's consent.

9. In cases of relapse following successful treatment and consequent removal from the agreement protection, employees referred by management may be readmitted to the agreement protection, following a consultation with the Occupational Health Physician or Head of Occupational Health Service (see section 9).
10. Employees referred originally through HR in similar circumstances may be re-admitted through contacting the HR team who will liaise with Occupational Health.

Employees with a confirmed alcohol or substance misuse problem agree to:

1. Engage with treatment provided
2. Provide details to management or Human Resources of absences necessary for the purpose of treatment
3. Comply with any reasonable adjustments/alternative employment
4. Attend all appointments
5. Participate in follow-up testing in the workplace for a period of no less than 6 months. You will be notified of a monitoring programme for a set period of time and regular or ad-hoc, frequent or infrequent testing will be agreed (further details will be provided to you following advice from Occupational Health) (see Appendix 11 for further details of what may be included in this subsequent agreement)

INDICATIONS OF POSSIBLE ALCOHOL AND SUBSTANCE MISUSE

This list of possible signs is by no means prescriptive and is only a guide to assist managers and others in recognising possible early indicators in order to assist individuals to seek help. These indicators may of course have causes other than substance misuse. If there is good cause and doubt as to the cause of untoward behaviour, a manager should seek the advice from Occupational Health or offer confidential occupational health advice to the individual.

1. **Workplace Indicators:**

- Gradual or sudden onset, of untoward or unpredictable behaviour.
- Mood changes, irritability, memory and concentration impaired.
- Repeated short term sickness absence.
- Frequent lateness, unreliability.
- Frequent minor accidents.
- Deterioration in working relationships.
- Olfactory indicators (smelling alcohol).
- Drinking at work.
- Reduction of quality or quantity of work done.
- Quarrelsome.
- Disruptive Behaviour.
- Inappropriate Horseplay.
- Adverse effects on Company image and customer relations.

2. Drunkenness and hangover are too well known to require description

3. **Social Domestic Indicators**

- Debt
- Borrowing
- Marital Disharmony
- Not wanting to go home
- Litigation
- Driving offences
- Criminal prosecution

4. There are other medical indicators recognised from recurring diagnosis on sickness absence certificates such as:

- Gastro-enteritis
- Dyspepsia/indigestion

- Nervous disability
- Nervous exhaustion
- Anxiety state/depression

Challenging a drug test result letter

EMPLOYEE NAME

WORK LOCATION

EMPLOYEE NO.

Dear

CHALLENGING A DRUGS TEST RESULT

You have recently undergone a drug test in accordance with the Company's substance misuse policy.

I understand that following confirmatory analysis at a Company approved Laboratory the result has been declared positive and, in accordance with the Company Disciplinary Procedure, you have been suspended whilst awaiting an investigation and a subsequent Disciplinary Hearing if required.

As outlined to you at the time of the drugs test, you are entitled to have your duplicate sample tested independently at your own expense at an accredited and approved laboratory by a qualified practising toxicologist, the sample being transferred and tested under strict Chain of Custody conditions.

In the event that a test of the duplicate sample ultimately results in a different outcome, the cost will be reimbursed by the Company.

A list of approved laboratories is contained within this letter; however, you may wish to source your own through the UKAS website (www.ukas.com) which could undertake this work on your behalf. I also enclose a standard letter for you to use to confirm your requirements to your chosen laboratory once you have contacted them, and a standard letter to the Company's external laboratory to request the release of your duplicate sample.

Your chosen laboratory will need to know the substance identified in your original sample.

Please let me know as soon as possible if you wish to have your duplicate sample tested independently and if you require assistance with completing the paperwork.

Yours sincerely,

PRIVATE AND CONFIDENTIAL

EMPLOYEE'S HOME ADDRESS

Address of Chosen Laboratory

Date:

Dear Sir / Madam,

DRUGS TESTING - ANALYSIS OF DUPLICATE SAMPLE

I confirm that I wish you to undertake a test of the duplicate sample taken on behalf of Advance Northumberland on*date of test*..... The sample is to be analysed for the presence of the substance(s) identified in my original sample, which was*employee to insert details*..... The analysis should include qualitative identification and an estimate of concentration.

Please proceed with arrangements to obtain my duplicate sample from the Company's approved laboratory, under strict Chain of Custody conditions and return the results to me with a copy to Advance NorthumberlandAddress to be inserted here.....

I accept full responsibility for any charges arising from the process and undertake to make payment within 30 days of receipt of the invoice.

I enclose full details to enable my duplicate sample to be identified.

Yours faithfully,

Signature:

Details of Employee (IN BLOCK CAPITALS)

Sample Unique Identification (Barcode Number)

Ethnic Origin:Date of Birth: Male/Female:.....

Full Name:Job Title:

Employee No:Work Location:

Home Address:

.....
.....
.....

List of Approved Laboratories**Matrix Diagnostics Ltd**

Fleming Road
Waltham Abbey
EN9 3BZ

Synergy Health Laboratory Services Ltd

Gavenny Court,
Abergavenny
Monmouthshire
NP7 7RX

Randox Laboratories

34 Diamond Road
Crumlin
Co.Antrim
BT29 4QY

RPS Health in Business Ltd

Innospec Manufacturing Park
Oil Sites Road
Ellesmere Port
CH65 4EY

LGC

Queens Road
Teddington
Middlesex
TW11 0LY

Environmental Scientifics**ESG House****Bretby Business Park****Ashby Road****Bretby****Burton upon Trent****Staffordshire****DE15 0YZ**

The laboratory will need to be accredited to ISO 17025 and they should also participate in a recognised external quality auditing system such as UK NEQAS (www.ukneqas.org.uk).

Cause for Concern Process Flow-Chart

