Alcohol And Drugs (v2.0.0)

Date Reviewed: 27/01/2025 | **Next Review Date:** 27/01/2026

Person responsible for updating this policy: Hitendrakumar Sharma

Policy Statement

All employers have a general duty to ensure the health, safety, and welfare of their employees. If an employer knowingly allowed an employee under the influence of alcohol or drugs to continue working, and this placed the employee or others at risk, the employer could be liable to charges.

Employees are also required to take reasonable care of themselves and others who could be affected by what they do. They could be liable to charge if their alcohol consumption or drug taking put safety at risk.

The law on alcohol and drugs at work includesThe Health and Safety at Work Act 1974 andMisuse of Drugs Act 1971 and amendments .

The aims of the policy are:

- To ensure the safety of staff, every service user and their families
- To prevent work impairment due to alcohol, drugs and substance misuse and to ensure that all staff are able, at all times, to carry out their duties safely and professionally
- To ensure that all staff are aware of the consequences for their continued employment if they misuse intoxicating substances at work or that impact on their ability to work
- To assist staff to identify at an early stage drug or alcohol misuse and encourage and support them to seek help
- Advice in the type of support Bluestar Care & Support- Bluestar Resourcing can offer will be agreed upon by HR, the management team, recorded in their file and reviewed regularly
- To provide a framework within which substance abuse can be managed fairly and consistently, taking a welfare and wellbeing approach to each situation as it arises.

Misuse of Drugs Act 1971

The Misuse of Drugs Act 1971 and amendments and The Misuse of Drugs Regulations 2001 makes it an offence to possess, supply, or offer to supply or produce controlled drugs without authorisation. It is also an offence for the occupier of premises to knowingly permit the production or supply of any controlled drugs or allow the smoking of cannabis or opium on those premises.

Under common law, it is an offence to aid and abet the commission of an offence under theMisuse of Drugs Act 1971 and amendments .

The Misuse of Drugs Act 1971 and amendments is the main piece of legislation governing the unlawful possession and supply of controlled drugs. Nearly all drugs with misuse and/or dependence liability are covered by it. The Act lists the drugs that are subject to control and classifies them into three categories according to their relative harmfulness.

Class A drugs are the most addictive and physically dangerous drugs when misused and include ecstasy, cocaine, heroin, Lysergic Acid Diethylamide (LSD), mescaline, morphine, opium and injectable Class B drugs.

Class B drugs include oral preparations of amphetamines, barbiturates, codeine and methaqualone (Mandrax).

Class C drugs include benzodiazepines (e.g. Temazepam, valium), cannabis, cannabis resin, and other less harmful drugs of the amphetamine groups and anabolic steroids.

The Misuse of Drugs Regulations 2001 split controlled drugs into five schedules. The schedules correspond to therapeutic usefulness and misuse potential. The Home Office has produced a list of the most commonly prescribed controlled drugs.

The penalties for offences involving controlled drug depend on the classification of the drug. Penalties for misuse of Class A drugs (schedule 2) are more severe than the penalties for Class B drugs which in turn are more severe than the penalties for Class C (schedule 3) drugs. The Act distinguishes, in terms of the penalties that may be imposed, between the offences of possession of drugs, trafficking or supplying, with the latter attracting the higher penalties. The police force often makes the distinction between personal use only, due to the pressure of work and the move into recreational use within communities.

The Road Traffic Act 1988 states that any person who, when driving or attempting to drive a motor vehicle on a road or other public place, is unfit to drive through drinks or drugs shall be guilty of an offence. An offence is also committed if a person unfit through drinks or drugs is in charge of a motor vehicle in the same circumstances. Bluestar Care & Support- Bluestar Resourcing will report any known instances to the police, when appropriate.

Bluestar Care & Support- Bluestar Resourcing enforces a strict no alcohol or drugs on duty regime. Both alcohol consumption and illegal drug taking impair judgement, reaction time, and the employee's ability to carry out their duties, thereby placing themselves and the service user at considerable risk.

If an employee is accused of illegal drug taking or alcohol consumption whilst on duty, they will face an immediate suspension from their duties whilst an investigation is conducted. A full disciplinary investigation will be undertaken. If the accusation is proven to be true, the employee concerned could be dismissed.

Definition of Substance Abuse

For this policy, substance misuse is where any employee, is under the influence of, possession of, or experiencing the side effects of illegal drugs, alcohol, over the counter drugs, prescription drugs, or any other substance that adversely affects their performance, behaviour or conduct including the safety of others.

Drug dealing or possession will be reported to the Police without exception.

Unless in exceptional circumstances defined below the use of alcohol, drugs or inappropriate substances whilst at work, or within Bluestar Care & Support- Bluestar Resourcing premises, is forbidden. Employees found to be doing so, will have the substance confiscated and will be subject to conduct proceedings which could include dismissal. The policy considers that misuse of substances to include any illegal drug, misuse of alcohol, dependency on prescription drugs, and any circumstance where a substance has a consequential effect on work performance.

Exceptional Circumstances

The responsible consumption of alcohol where Bluestar Care & Support- Bluestar Resourcing provides work accommodation on their premises only, any prescription drug required as part of their healthcare with no detrimental effect on performance.

Service Users

If staff are asked to purchase alcohol by a service user, they can only do so where it is recorded as part of the Care and Support plan. Illegal drugs can never be purchased for a service user , and a disciplinary investigation will be undertaken in such circumstances.

Staff

Any theft of drugs from Bluestar Care & Support- Bluestar Resourcing premises will be treated as a disciplinary matter.

staff who become dependent on alcohol or drugs will be supported to end their dependency, with a multi-agency approach working in partnership with other professionals involved, such as health and clinical treatment interventions. This will be done on an individual basis with the cooperation and consent of the staff member.

The Process Where Substance Abuse is Evident

Where Service Manager Hitendrakumar Sharma has reasonable concerns that an staff performance, conduct or attendance has been compromised by alcohol or drug misuse, they must take responsibility to stop the staff member from working immediately, with sensitivity and due care. Medical intervention may be required to ensure the safety of the staff member, dependent upon the behaviour and effects on the individual. They should be prevented from driving and the Police informed if necessary if there is an immediate risk to themselves or other road users.

An investigation of the circumstances should be undertaken with decisions regarding the next steps when all the facts

An investigation of the circumstances should be undertaken with decisions regarding the next steps when all the facts are established. It may be that there are previous indicators, such as sick absences, citing domestic, stress or other factors outside of work.

Where alcohol, drugs, or any other drug misuse is confirmed, then a decision needs to be taken as to whether there is a sickness or disciplinary situation and the appropriate process followed.

The effect of alcohol or drugs on staff is detrimental not only to their health and wellbeing but represents a risk both to themselves and the service user. The potential effects of alcohol or drugs are numerous, including:

- Absenteeism, unauthorised absence, lateness, etc.
- Higher accident levels, including at work, whilst driving, and whilst performing tasks
- Impaired work performance, difficulty in concentrating, tasks taking more time, increased mistakes, heightened distraction

If the performance or attendance of staff member at work is affected by alcohol or drug misuse outside of working hours, they may be subject to disciplinary action and, dependent on circumstances, this could result in their dismissal. These circumstances will be dealt with via disciplinary procedures. Wherever possible, Bluestar Care & Support- Bluestar Resourcingwill signpost staff with an identified alcohol or drug problem towards the appropriate help and support, so that they recognise the dangers of alcohol, drug, and other substance misuse, whilst encouraging them to seek help for themselves.

Where any misuse of alcohol or drugs is reported via the whistleblowing procedures, the whistleblowing policy must be followed.

Drug Screening in the Workplace

We are legally required to gain consent from the staff member to carry out drug screening. This consent is gained through [**Consent Form:** Have employees sign a written consent form that acknowledges:

- They have received and understand the drug screening policy
- They understand the reasons for the test
- They consent to the testing procedure
- They understand the potential consequences of a positive or refused test

]

- We limit testing to staff that need to be tested
- We ensure tests are random.

Our staff understand that they cannot be made to take a drug test but, if they refuse when there are good grounds for testing, they may face disciplinary action.

Data protection law covers any monitoring, including drug testing, and all records are confidential. We use the following service for Drug Screening;

The accredited company used to carry out drug screening is [not applicable].

Training Statement

All staff, during induction, are made aware of the organisation's policies and procedures, all of which are used for training updates. All policies and procedures are reviewed and amended where necessary and staff are made aware of any changes. Observations are undertaken to check skills and competencies. Various methods of training are used including one to one, online, workbook, group meetings, individual supervision and external courses are sourced as required.

Related Policies

- Code Of Conduct For Workers (Domiciliary)
- Monitoring And Accountability (Domiciliary)
- Supervision (Domiciliary)

Related Guidance

- HSE: Drug Misuse at work
- EWDTS Guidance
- ACAS: Alcohol and Drug Policies
- GOV.UK Controlled drugs list guidance

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