



Smoking, Alcohol and Drug Use Policy

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Alcohol and Drug Use

Aim of the Policy

This policy is intended to set out the values, principles and policies underpinning the Wellbeing Residential Group's approach to alcohol and drug use by residents, relatives, visitors, contractors and staff. The policy has the following aims:

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

This policy is informed by the Wellbeing Residential Group understanding of its statutory duties as an employer.

Alcohol & Drug Misuse — Statutory Duties of Employers and Employees

If a manager or employer 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 etc 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 the misuse of drugs is 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 Wellbeing Residential Group the use of drugs and/or alcohol by contractors or employees is strictly prohibited at all times and under all circumstances.

The Wellbeing Residential Group 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, 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 Wellbeing Residential Group 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 Wellbeing Residential Group 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 Wellbeing Residential Group regards alcohol and drug misuse of the first kind as first and foremost a health problem and its approach will be informed by this 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 Wellbeing Residential Group. Infringements of this policy by staff will be dealt with through the established Wellbeing Residential Group disciplinary and grievance procedure and violations of the policy 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 such 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 Wellbeing Residential Group 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 Wellbeing Residential Group vehicles containing residents. The Wellbeing Residential Group policy is therefore that such actions on the part of any driver employed by the Wellbeing Residential Group 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.
- Paid time off for counselling and treatment will be allowed in accordance with the normal sick pay scheme.
- 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.
- The Wellbeing Residential Group undertakes to ensure that any counselling is strictly confidential, and that any records compiled by a counsellor will be treated as the individual property of that counsellor.
- No discussions about an employee will take place between the Wellbeing Residential Group and the counsellor without the written permission of the employee concerned.
- 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 with the employee's appropriate legal/union representative being involved at all stages.

It is the Wellbeing Residential Group 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: Residents, Relatives & Visitors

The Wellbeing Residential Group is committed to giving service users the freedom to act autonomously and make their own lifestyle choices. The Wellbeing Residential Group recognises that moderate alcohol consumption forms a normal and enjoyable part of many people's lives. In this respect residents will be able to use alcohol 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 residents, their relatives and visitors or to staff
- Alcohol must be kept securely in locked cupboards in residents rooms

- The management of alcohol use in the home for both individuals and groups of residents must include consideration of possible contra-indications with medication or medical conditions and inappropriate access.
- In situations where there is concern identified in relation to the use or misuse of alcohol, discussion should take place with the resident, family members (with agreement of the client) and the residents GP.

Alcoholic beverages may be provided during social functions in the home within reasoned amounts and under supervision.

In the Wellbeing Residential Group:

- All new residents should be informed of the Wellbeing Residential Group's drugs or alcohol policy during their introductory visit or during their initial interview
- The Wellbeing Residential Group 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 resident, their key worker and the home manager.

Drug use in the Wellbeing Residential Group is not permitted by anybody, including residents, 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 or in the event of managers of the Wellbeing Residential Group noting trends of behaviour in a member of staff which may indicate alcohol or drug misuse, the manager or owner of the Wellbeing Residential Group 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 Wellbeing Residential Group no alcohol or drugs policy and what it means for 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 Wellbeing Residential Group 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 in accordance with the normal sick pay scheme
- 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 no attempt has been made to help the member of staff)
- On the employee's return to work arrange for a full performance review

Training

All new staff should be encouraged to read this drugs or alcohol policy as part of their induction process and should also be referred to the no drugs or alcohol clause in the Employee Handbook and/or terms and conditions of contract of employment.

Signed:

Date:

Policy review date:

Smoking

Policy Statement

The Wellbeing Residential Group believes that smoking at work presents a serious health hazard and fire risk for smokers and non-smokers alike. The Wellbeing Residential Group recognises its duty under the Smoke-free (Premises and Enforcement) Regulations 2006 to provide a smoke-free premises, with exceptions for residents of the Wellbeing Residential Group under the Smoke-free (Exemptions and Vehicles) Regulations 2007. The Wellbeing Residential Group 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 excessively smoke-filled working environment.

In view of the above smoking is therefore strictly prohibited on the Wellbeing Residential Group premises except in certain areas specifically designated and sign posted for that purpose. This policy has been developed in consultation with residents and with staff and their representatives to help provide a healthy, safe and comfortable environment for all.

The Wellbeing Residential Group fully adheres to the new outcomes essential standards of quality and safety which consist of 28 regulations and its associated outcomes. They are set out by The Health and Social Care Act 2008 for regulated activities.

Aim of the Policy

This policy is intended to set out the values, principles and policies underpinning the Wellbeing Residential Groups approach to smoking on its 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 Wellbeing Residential Group property, by reducing fire risks. Where appropriate the Wellbeing Residential Group will also support those residents or members of staff who would like to stop smoking.

Designated Smoking Areas

In the Wellbeing Residential Group, 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 by residents, visitors, contractors and staff is strictly prohibited on the premises except for the following areas.

- Smoking is permitted by residents and staff outside of the home in the following designated areas:

- Residents only may smoke indoors in the properly designated resident's smoking room.

Within The Wellbeing Residential Group:

- the above smoking areas should be clearly marked with smoking signs and should be provided with receptacles for smoking waste
- all other areas of the home should be marked with No Smoking signs in compliance with the law
- the no-smoking policy applies to all areas of the home including kitchens, staff rest rooms, private offices, bathrooms, toilets, residents bedrooms, car parks and Wellbeing Residential Group vehicles

- smoking regulations apply equally to service users, relatives, visitors, contractors and to all employees regardless of seniority
- staff have no rights to 'smoking breaks' above or beyond their normal lunch or coffee breaks

All new residents should be informed of the smoking policy during their introductory visit. During their initial interview their attention should be drawn to the Wellbeing Residential Group Smoking Policy in their residents contract. All new members of staff should be informed of the policy during their induction period.

Non-compliance with this Policy

It is the Wellbeing Residential Group intention to enforce its no smoking regulations with sensitivity to, and respect for, the needs of employees and residents who do smoke. However, all breaches of the regulations will be treated as serious matters of discipline and dealt with in the appropriate manner.

In the unlikely event of a member of staff not respecting the policy, the Wellbeing Residential Group home 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.

Disputes arising from staff due to the no smoking policy will be dealt with through the established Wellbeing Residential Group grievance procedure.

Support for Stopping Smoking

The Wellbeing Residential Group recognises that nicotine is a highly addictive substance and the Group will do all that it can to help or support staff or residents who are smokers to give up their habit.

Residents who wish to stop smoking should be referred to their GP or put in touch with the local NHS smoking cessation service.

Policy Implementation

This policy is intended to benefit all employees and visitors and all employees are responsible for its continued implementation. Overall responsibility for ensuring the policy is implemented, monitored and reviewed rests with the Wellbeing Residential Group Home Manager. Information on the policy will be:

- circulated to all staff
- provided to all new employees
- included in the Health & Safety Policy
- included in Human Resources policy

Training

All new staff should be encouraged to read the policy on smoking as part of their induction process and should also be referred to the NO SMOKING clause in their contract of employment.

Signed: _____

Date: _____

Policy review date: _____