



the brain injury association

Smoking Drugs and Alcohol Policy

Owner:
RHB

Relevant to:

All staff, self-employed contractors, workers, agency workers and volunteers.

Office Use only:

DEPARTMENT FAMILY: HR	SLT OWNER: RHB	APPROVAL/RE- APPROVAL DATE: March 2024	IMPLEMENTATION DATE: March 2024	NEXT REVIEW DATE: February 2027
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NEW POLICY OR SUBSTANTIVE POLICY REVIEW

Version	Date	Policy development agreed by (SLT owner)	Policy Development Author	Draft policy verified by	Policy approval	Impact assessment (if applicable)
V1	March 2024	RHB	RHB	CEO	CEO	Yes

Rationale for new or substantive policy review	The old policy did not adequately cover all the circumstances applicable to Headway UK therefore it was determined that a new policy was required.
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Please make explicit if change/review relates to procedures, guidelines and associated documents only

PERIODIC POLICY REVIEW / CHANGE HISTORY

Version	Date of review / revision	Description of change	Reviewed by	Approved by (SLT owner)

COMMUNICATION

To be agreed by SLT Team

All Staff Email	x	Team Meetings	
Newsletter		External website	

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1. Policy statement

This policy sets out Headway – the brain injury association’s (Headway UK) position on smoking, alcohol and drugs in the workplace.

Headway UK has a duty to protect the health and safety of all its employees, service users, contractors and suppliers. This means keeping the workplace safe from the risks of smoking, alcohol and drugs. However, we recognise that, for a number of reasons, employees could develop smoking, alcohol or drug-related problems. This policy also sets out what support we will offer to those employees.

2. Definitions

SERVICE USERS: Includes individuals that use Headway UK services, such as people directly impacted by brain injury, including survivors, their family members and carers, professionals accessing Headway UK support via the website, publications or helpline, or corporate and individual members of Headway UK.

STAKEHOLDER: Includes volunteers, fundraisers, professionals, contractors, corporate partners, and others that come into contact with Headway UK.

SMOKING: Includes the use of cigarettes, e-cigarettes, vapes, cigars or pipes to smoke tobacco, herbal substitutes and e-liquid. The smoking of illegal drugs such as cannabis and spice will, for the purposes of this policy be considered as drug use rather than smoking.

DRUGS - Within this policy, the term 'drugs' will include:

- Any illegal drugs (Class A, B, and C).
- Any prescription drugs which have been prescribed for another person.
- Any over-the-counter remedy or prescription drug taken in excess of the stated dose.
- Any substances or solvents including lighter gas refills, aerosols, glues, paint thinners, and correcting fluids, with the exception of usage by employees in the normal work context where appropriate risk assessments are in place.
- Novel/New psychoactive substances (NPS), sometimes known as legal highs.
- Performance-enhancing drugs used for ‘doping’ purposes, even if they are not unlawful.

ALCOHOL – Is defined as any substance with an alcoholic content. This also include drinks that are marketed as low alcohol.

3. Principles

We have a legal duty to protect the health and safety of our workforce and any external individuals who come into contact with us. It is very important that those working for us can carry out their duties safely and free from the influence of drugs or alcohol and without being subject to first- or second-hand smoke.

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The consumption of alcohol or the use of drugs can impair performance at work, increasing the likelihood of accidents or mistakes which may endanger members of staff, service users or stakeholders. In addition to the health and safety risks, substance misuse can result in absence, conduct or performance problems, impacting on attendance, timekeeping, behaviour, standards of work and the public image of the Headway UK.

Employees are expected to be fit to carry out their duties under their contract of employment safely and effectively without any limitations due to the use or aftereffects of alcohol or drugs.

Where substance misuse has been identified, either by the individual themselves or by a line manager, Headway UK recognises the need to support employees through a range of support options, whilst ensuring appropriate standards of attendance, conduct and performance are maintained.

4. Scope and limitations

This policy also applies to employees, self-employed contractors, workers, agency workers and volunteers.

5. Responsibilities

STAFF: Will be responsible for ensuring that they are aware of the content of the policy and adhering to the principles. Failure to abide by the principles of this policy may result in disciplinary action. Staff are also responsible, in line with their health and safety obligations, for making management aware if individuals are not compliant with the policy.

VOLUNTEERS: Will be responsible for ensuring that they are aware of the content of the policy and adhering to the principles. Failure to abide by the principles of this policy may result in Headway UK discontinuing the volunteering agreement/relationship. Volunteers are also responsible, in line with their health and safety obligations, for making management aware if individuals are not compliant with the policy.

MANAGERS: Will be responsible for ensuring that their staff are aware of this guidance and ensuring that they comply in full with the policy.

HR: Will be responsible for ensuring that the policy is kept up to date in accordance with the monitoring and review section of this policy. They will also be responsible for supporting staff and managers should any issues arise from this policy.

6. Implementation arrangements

All staff and managers will be made aware of this policy at the point of launching, as part of the induction process, and following any subsequent content reviews.

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7. Smoking

All Headway UK premises are non-smoking areas. Employees are strictly prohibited from smoking on or in Headway UK's premises. Where there are no designated smoking areas, employees must ensure that they fully leave the premises should they wish to smoke. Smoking is also not permitted in vehicles owned by Headway UK.

Employees are responsible for ensuring that any visitors they are hosting also abide by this policy.

Any non-compliance in relation to smoking will be addressed via Headway UK's disciplinary policy.

Failure to adhere to these obligations may also result in employees being personally subject to a fine in the Magistrates Court or a fixed penalty.

8. Smoking breaks

Where employees do choose to smoke, they must ensure that smoking breaks do not have a detrimental effect on their working day. If this is the case, employees may be required to either make up lost time or only permitted to take breaks at agreed times.

9. Smoking whilst working from home.

Those employees working from home are not required to refrain from smoking during the course of their work in their home, unless they invite others into an area of their home for work purposes or during times when they are participating in work meetings virtually.

10. Drugs

No employee is permitted to report for work, or be at work, under the influence of drugs. Consumption of drugs is not permitted at any time during normal working hours, including paid and unpaid breaks.

Employees reporting for work have a responsibility to be fit, capable and presentable to undertake their duties. If an employee is known or is believed to have consumed or be under the influence of drugs at any time during the working day, the employee will normally be suspended from duty with pay for the remainder of that working day.

Employees should not be allowed to drive home under the influence of drugs. Where necessary, the line manager should arrange for the employee to get safely home. This may include calling their next of kin.

The issue of the employee having been believed to have been at work under the influence of drugs should be discussed when the employee is in a fit state to resume

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work, normally the next working day. If considered appropriate, the employee may subsequently be suspended from work to allow the matter to be formally investigated.

Employees who, at any time at work or during the working day:

- take drugs or are suspected or known to be under the influence of drugs;
- are believed to be buying or selling drugs;
- are in possession of unlawful drugs; or
- are suspected or known to have driven a vehicle or operated plant or equipment under the influence of drugs;

may be subject to disciplinary action which may be considered as gross misconduct. In addition to possible disciplinary action, employees may also be subject to criminal proceedings if it has been considered appropriate to involve the Police.

11. Prescription drugs

The only drugs that are permitted on Headway UK's premises are those prescribed by a doctor for the named individual member of staff.

Employees are not required to tell the Headway UK they are taking prescription medication, unless that medication could impact their ability to do their job.

Employees do have a responsibility to ensure that their abilities are not impaired by taking prescription medications. Employees should seek advice from their GP or pharmacist, as appropriate, on whether any prescribed or over the counter medication may affect their ability to undertake their work duties. If an employee is likely to suffer possible side effects from the medication, they should discuss this with their line manager. In such circumstances, advice may be sought from Occupational Health, where appropriate, to assess the employee's ability to undertake the full range of their duties whilst taking the prescribed medication.

Employees should not store prescription medication in personal areas at work unless it is prescribed medication for personal use from a doctor. In this case, employees must ensure that it is stored in a safe place which is not accessible to others.

If an employee has been prescribed medical cannabis and can evidence that, a decision will be made as to whether they are danger to themselves or others by carrying out their work. Decisions will be made on a case-by-case basis.

If an individual brings prescription drugs prescribed for another person onto Headway UK's premises or consumes these whilst at work, it will for the purposes of the policy be considered under the sections in this policy relating to drugs.

12. Alcohol

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13. Alcohol on work premises

Individuals are not permitted to bring alcohol onto Headway UK premises for consumption.

Individuals may have the requirement to bring unopened/sealed alcohol onto Headway UK premises, for instance as part of their shopping or as a gift to a colleague. This is permitted provided this is not consumed on site or during working hours.

Headway UK recognises that, on occasion, employees may wish to celebrate special work-related events, and in doing so, may regard alcohol as part of such celebrations. Headway UK will not normally give permission to consume alcohol on Headway UK premises.

14. Alcohol during work breaks

Headway UK prohibits the consumption of alcohol during working hours, this extends to work breaks, paid or unpaid. This means employees cannot drink alcohol during lunchtime or other work breaks.

It is expected that employees to have no alcohol in their system at all during their usual working hours.

15. Attending events

Employees who attend events on behalf of Headway UK as part of their role are representing the charity. As such, their behaviour must be appropriate and employees have a responsibility to remain capable and presentable at such events.

There are certain occasions where employees will be representing Headway UK and there may be alcohol available.

16. Headway UK organised/hosted/co-hosted events

For the purposes of this policy Headway UK will be deemed to have organised or be hosting/co-hosting an event if the charity has any degree of responsibility (sole or shared) in respect of an event. This may extend to any financial contribution (in full or part) towards the event, any responsibility for insurances or health and safety matters including risk assessments. This also extends to Headway UK's responsibility to the welfare of attending guests. For clarity purposes this will include events organised by Headway UK branches and may extended to other Headway UK groups if the above conditions are met.

These events may be inside or outside of usual working hours.

For the purposes of this policy where Headway UK either organises, hosts or cohosts an event, staff will be deemed to be working.

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Such events include but are not limited to the annual awards, Look Ahead in the North (LAN), Best Relaxation Activity Weekend (BRAW) or any other residential.

The consumption of alcohol at these events is not permitted. Individuals need to be aware that they are representing Headway UK and therefore should remain capable and presentable during such an event.

If an employee is unclear on whether an event is organised, hosted or co-hosted by Headway UK then the employee should seek clarity from their line manager.

17. External events

For the purposes of this policy an external event is an event run by a third party where Headway UK does not have any responsibility for organising or funding the event or for the welfare of attendees.

When an employee is attending, they are doing so on behalf of Headway UK. This may be as they have been invited as a representative of Headway UK or Headway UK is supporting the employee's attendance at the event, for example by providing TOIL, payment of fees, payment of travel/accommodation or tickets etc.

These events may be inside or outside of usual working hours.

External events may include but are not limited to Headway groups fundraising events e.g. annual balls or corporate supporters' events, e.g. at solicitors' firms.

The consumption of alcohol at such events is permitted, however, not to excess as individuals need to be aware that they are representing Headway UK and therefore should remain capable and presentable during such an event. With regards to behaviour at such events, it is expected that employees should behave in a reasonable manner and not engage in activities that may bring Headway UK into disrepute/cause embarrassment or create any libellous circumstances.

There may be events hosted by other organisations which require employees to stop overnight after the event has ended. Often there may be other attendees stopping in the same hotel/local vicinity. For the avoidance of doubt employees are identifiable as employees of Headway UK and the guidance under the section social drinking should be adhered to.

If employees do attend external events during the working day where they consume alcohol they are not permitted to return to work after the event. Employees must therefore make provisions in respect of the rest of the working day, e.g. by booking annual leave.

18. Social drinking

Social drinking after normal working hours and away from Headway UK's premises is generally a personal matter and does not directly concern Headway UK. Headway

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UK's concern only arises when, because of the pattern or amount of drink involved, the employee's attendance, work performance or conduct at work gets worse.

Employees do, however, need to act responsibly when attending events where they are identified as Headway UK employees, i.e. Christmas party nights, leaving/retirement nights etc. It is acknowledged that individuals are not 'representing' Headway UK at these events, however if they are easily identifiable as Headway UK employees, they should not engage in activities which may result in the Headway UK being brought into disrepute/cause embarrassment or create any libellous circumstances.

19. Alcohol related misconduct

No employee is permitted to report for work, or be at work, under the influence of alcohol. Employees reporting for work have a responsibility to be fit, capable and presentable to undertake their duties. If an employee is known or is believed to have consumed alcohol or be under the influence of alcohol at any time during the working day, the employee will normally be suspended from duty with pay for the remainder of that working day.

Employees should not be allowed to drive home under the influence of alcohol. Where necessary, the line manager should arrange for the employee to get safely get home. This may include calling their next of kin.

The issue of the employee having been believed to have been at work under the influence of alcohol should be discussed when the employee is in a fit state to resume work, normally the next working day. If considered appropriate, the employee may subsequently be suspended from work to allow the matter to be formally investigated.

Employees who, at any time at work or during the working day:

- are suspected or known to be under the influence of alcohol; or
- are suspected or known to have driven a vehicle or operated equipment under the influence of alcohol

may be subject to disciplinary action which may be considered as gross misconduct.

20. Drink driving limits

There are strict alcohol limits for drivers as indicated below.

Level of alcohol	England, Wales and NI	Scotland
Micrograms per 100 millilitres of breath	35	22
Milligrammes per 100 millilitres of blood	80	50
Milligrammes per 100 millilitres of urine	107	67

The limits in Scotland are different to the rest of the UK.

It is impossible to say exactly how many drinks this equates to as it is different for each person. The way alcohol affects you depends on:

- your weight, age, sex and metabolism (the rate your body uses energy)
- the type and amount of alcohol you're drinking.
- what you've eaten recently
- your stress levels at the time

Headway UK strongly recommends all employees take a zero-risk approach to driving after consuming alcohol.

21. Alcohol and drug screening

Headway UK may carry out alcohol and drug screening on employees where:

- their duties have a significant impact on the health and safety of others;
- the employee has had problems with alcohol or drugs in the past; or
- there has been an accident and it's suspected that accident was drug or alcohol related.

However, employee consent will be sought before alcohol or drug tests are carried out. Failure to undertake an alcohol or drugs screening that could lead to disciplinary action, and potentially dismissal, under Headway UK's disciplinary policy.

If an employee tests positive for drugs or alcohol, they will be suspended and an investigation will begin under Headway UK's disciplinary procedure.

22. Searches

Headway UK may search our premises for drugs or alcohol at any time, this may include any personal lockers or desks. If Headway UK has grounds to believe that there are illegal drugs or alcohol in an employee's personal possessions the employee is expected to co-operate with reasonable requests to search their possessions. The employee may ask for a witness to be present during the search if they wish.

Headway UK will photograph any alcohol or drugs found in contravention of this policy. Any drugs and alcohol will be confiscated, and advice will be sought from the Police in relation to drugs.

If an employee refuses to cooperate with a search, that could lead to disciplinary action, and potentially dismissal, under Headway UK's disciplinary policy.

23. Support

Headway UK will adopt a positive approach to the management of alcohol and drug issues by:

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- Encouraging early identification of a deterioration of work performance.
- Engendering a climate which removes the tendency to conceal or deny the problem and provides staff and line managers a framework within which to deal with it.
- Seeking to prevent and reduce the incidence of alcohol/drug abuse and its impact on an employee's conduct and capability by encouraging employees to access the support mechanisms offered, and to inform their line manager or HR if they feel they may have a problem with alcohol or drugs.

24. Alcohol and substance abuse – common signs and symptoms

The more common signs of abuse are:

- Moodiness and irritability.
- Drinking or partaking of non-prescribed drugs, or misuse of prescribed drugs before work, at work and during meal breaks.
- Hand tremor, facial flushing and bleary eyes.
- Proneness to accidents, which may endanger themselves and others.
- A tendency to become confused.
- A deterioration in relationships with colleagues.
- Smelling of alcohol.
- Loss of appetite.
- Unkempt appearance.
- Lack of hygiene.

This may impact on an employee's job by;

- Frequent absenteeism, which may or may not be certified.
- Decreased work performance.
- Poor time keeping.
- Absence from the job at various times during the day.
- Frequent 'emergencies' resulting in annual leave being taken at short notice.
- Attempting to borrow money from colleagues.
- Dishonesty.

In addition, complaints may also be received from colleagues, services users or stakeholders about the performance of an employee.

25. Identification of problems and support mechanisms

It is important that there is proper documented evidence from the outset as this provides the following benefits:

- It allows any approach to be objective, based on facts rather than judgemental comments.
- It provides justification for initial intervention.

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- It can influence the employee to change behaviour.
- The employee comprehends the problem as it really is.
- It provides the justification for further intervention.
- It provides a benchmark to monitor future work performance and behaviour.

Employees who volunteer themselves or are identified by their manager as having problems which may be related to alcohol or drugs will be treated sympathetically and in confidence. The employee should be encouraged to seek help by accessing support and assistance available from Occupational Health, HR, their GP or other agencies detailed in the support section of this policy.

Employees may attend these agencies through self-referral or referral by their GP.

Headway UK recognises that people with mental illnesses are often affected by substance abuse and that people diagnosed as mentally ill often abuse either alcohol or drugs. It is therefore very important that each case is considered carefully to help identify if there is a mental ill health dimension so that the most appropriate support is provided.

When an employee attends a recommended programme requiring absence from work, the co-operation of the line manager is essential to assist the employee's recovery. Line managers should therefore make every effort to permit time off with pay during the working day to attend for counselling and/or treatment.

Leave of absence to attend counselling during normal working hours will be authorised by the employee's line manager. Referral for support will not normally affect the employee's current job role unless they are unfit to fulfil their duties, there is an issue relating to safety, or if their duties conflict with the long-term resolution of the drug or alcohol problem. Referral to support will not adversely affect any employee's promotion prospects.

Where an employee acknowledges they have an alcohol or drug-related problem, the offer to seek help and treatment is made on the understanding that:

- If the treatment necessitates long-term absence from work, employees will produce medical certificates to cover the period(s) of absence.
- If the employee is absent from work to undergo treatment or has been removed from certain duties for the duration of the treatment, on return or on completion of treatment, they will return to the same or equivalent job. However, where return to the same or equivalent job would impact on either a satisfactory level of job performance or the long-term resolution of the employee's alcohol or drug problem, every consideration will be given to redeployment.

As drug and alcohol dependence can be a relapsing illness, an employee's progress will be monitored by line managers assessing work performance and attendance.

If, following return to employment during or after treatment, work performance or conduct is again affected as a result of alcohol or drug related problems, each case will be considered on its own merits. If appropriate, a further opportunity for assistance

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and treatment will be offered. In this respect, advice will be sought from Occupational Health.

A programme of support/treatment does not, however, supersede the requirement for all employees to be free from the influence of alcohol or drugs on arrival at work and not to consume or be under the influence of alcohol or drugs at any time during the working day.

If, on completion of treatment, the employee's standard of work performance or conduct remains unsatisfactory, or if it is satisfactory throughout the period of treatment only to lapse very soon thereafter, the employee will be subject to disciplinary action.

26. Where support is refused

Employees:

- who deny that alcohol or drug misuse is the cause of their problems;
- who do not seek appropriate support through their GP/ a relevant agency;
- who discontinue a course of treatment before its satisfactory completion; or
- whose level of work performance continues to be unsatisfactory after undergoing treatment

may be subject to Headway UK's disciplinary policy.

27. Further support

If you require further help or advice, there are a number of external sources of help:

- Information on giving up alcohol can be obtained from Alcohol Change UK or Drink Aware who have a confidential helpline which can be contacted on 0300 123 1110.
- Information on giving up drugs can be obtained from Action on Addiction or Talk to Frank who have a confidential helpline which can be contacted on 0300 123 6600.
- Information on quitting smoking can be obtained from NHS Smoke Free who have a confidential helpline which can be contacted on 0300 123 1044 (England only). For employees in Scotland NHS Quit Your Way Scotland have a confidential helpline which can be contacted on 0800 848484 or for employees in Northern Ireland www.stopsmokingni.info/ways-quit can be contacted. Employees can also download the NHS Quit smoking app.

28. Monitoring and review

This policy will be reviewed every three years or sooner if there are changes in legislation.

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