

COMPANY NAME:

Hillcrest

POLICY NUMBER:

HR17

POLICY TITLE:

Alcohol and Substance Use Policy

This document can be produced in different formats, for example, in larger print or audio-format, and in other languages, as appropriate. We promote equality through seeking to eliminate unlawful and unfair treatment on the ground of any protected characteristic, as appropriate.

Policy: Underpinning and Supporting Documents

This policy should be read in conjunction with the following documents:

Other Policies:

- HR03 Disciplinary Policy
- HR21 Staff Code of Conduct Policy
- Hillcrest Futures Procedure 3.2 “Code of Practice for Staff”
- G27 Health and Safety Policy
- G34 Fleet Management Policy
- OD02 Health and Wellbeing Policy

Compliance:

-

Legislation:

- Health and Safety at Work Act 1974, section 2
- Management of Health and Safety at Work Regulations 1999
- Road Traffic Act 1988
- The Misuse of Drugs Act 1971
- Misuse of Drugs Regulations 2001
- Data Protection Act 2018 and UK General Data Protection Regulation

Best Practice:

- HSE Alcohol and Drug Misuse at Work
- ACAS – Health, Work and Wellbeing
- ICO – Information relating to drug and alcohol testing

1. Policy Statement

The Alcohol and Substance Use Policy is part of Hillcrest's overall commitment to improving the Health and Safety and welfare of all employees. The organisation accepts the need to identify problems with substance use as soon as possible, and to respond constructively and supportively to these.

Employers have a moral and legal duty under the Health and Safety at Work Act 1974 to ensure, as far as reasonably practicable, the health, safety and welfare at work of our workforce and stakeholders.

'Substance misuse' is a broad term and covers the use of illegal drugs, New Psychoactive Substances (NPS), prescribed drugs for which no valid prescription is available, alcohol and substances such as solvents.

The organisation will take all reasonable steps to prevent employees and contractors carrying out work-related activities if they are considered to be unfit/unsafe to undertake the work as a result of alcohol consumption or substance use.

The organisation expressly prohibits the use of any illegal drugs (including psychoactive substances, including those formerly known as "legal highs") or any prescription drugs that have not been prescribed for the user. It is a criminal offence to be in possession of, use or distribute an illicit substance and to produce, supply or possess with intent to supply psychoactive substances. If any such incidents take place on Hillcrest premises, in Hillcrest vehicles or at a company function, they will be regarded as serious misconduct, will be investigated in line with the Hillcrest Disciplinary Policy and possible reporting to the police.

2. Policy Principles

- Hillcrest has a zero-tolerance approach to substance use in the workplace.
- Our aim is also to encourage employees to be open and honest. Support will be provided to all employees who voluntarily disclose that they have a alcohol and/or substance use problem and will treat all disclosures confidentially.
- Information and education with regard to alcohol and substance use will be provided to promote employee health and wellbeing.
- To contribute to the promotion of a healthy and safe working environment.

- To encourage early identification of individuals with an alcohol or drug related problem.
- To provide guidance for managers who are responsible for implementing this policy.
- To explain the principles of the organisation's alcohol and drug testing programme.
- To make clear organisational expectations to any employees representing the business at events or conferences, or attending company organised social events outside normal working hours.

3. Policy: Responsibilities

HR/H&S responsibilities

- To ensure that support is offered through appropriate means, such as advice and counselling on how to seek suitable treatment, as part of our Employee Assistance Programme (where appropriate).
- To assess Health and Safety implications if dependency is identified/declared.
- To seek advice and/or assessment from the Occupational Health Service.
- To provide adequate training for Managers to ensure appropriate action is taken when dealing with substance issues.

Manager responsibilities

- To monitor employee performance and take appropriate action where concerns of drug or alcohol use are suspected
- To ensure that all instances or reports of substance use are dealt with consistently and in accordance with this policy.
- To maintain full confidentiality when discussing or dealing with any concerns they may have about employee welfare, performance, behaviours or fitness at work.
- To provide appropriate levels of support to employees who disclose a dependency, or drug and alcohol use, treating all employees fairly and with dignity and respect.
- To encourage the employee to engage with appropriate support tools including Occupational Health.
- Seek advice and guidance from their HR Business Partner when having concerns about an employee.
- To comply and assist with random testing selection as required, maintaining confidentiality at all times.

Employee Responsibilities:

- Discuss with their doctor, dentist, pharmacist and any other individual about your job role and this Policy when being prescribed or buying medication and herbal products.

- Check whether any medication prescribed, or purchased has any side effects which may impair their ability to work safely.
- Advise their Line Manager, or other appropriate person, if they are using prescription drugs which may affect their behaviour, work performance or ability to drive
- Advise their Line Manager, or other appropriate person if they have an alcohol and/or substance dependency.
- Ensure the Health and Safety of themselves and any other person within Hillcrest.
- Never report for duty having consumed drugs or alcohol likely to render them unfit and/or unsafe for work.
- Never consume alcohol or drugs at work. This includes certain levels of drugs or alcohol detected in a test, even if they have not affected behaviour or performance
- When representing the company at functions or conferences, drinking alcohol must be in moderation and employees must ensure they are well within the legal limits if they are driving. Taking drugs on these occasions is prohibited.
- To accept the assistance of the Occupational Health Service and take part in review meetings with Line Manager and HR as appropriate.
- To agree to undertake a drug and/or alcohol test if requested.

Confidentiality

The confidentiality of any records on employees with drug/alcohol problems, prescribed drug use will be strictly preserved in line with Data Protection legislation.

Policy Document Governance and Management

Author/ Lead:	Anna Marshall, HR Business Partner	
Version number:	Version 5	
Current version referred for approval to:	Audit and General Purposes Sub-Committee	
Current version approved:	24/02/2026	
Date of next review:	24/02/2031	
Date of Equality Impact Assessment	02/02/2026	
Date of Privacy Impact Assessment:	12/01/2026	N/A <input type="checkbox"/>
Date of Environmental Impact Assessment:	Click here to enter a date.	N/A <input checked="" type="checkbox"/>

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Alcohol and Substance Use Procedure

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1. Introduction

This procedure should be read in line with the policy. Managers should seek advice and guidance from the Human Resources Department in relation to the application of this procedure.

2. Managing Dependency or alcohol or drug use issues

No employee or other person under the organisation's control shall, in connection with any work-related activity:

- Report, or endeavour to report, for duty having consumed drugs or alcohol likely to render them unfit or unsafe for work (this includes testing positive for drugs or alcohol, hereafter referred to as a non-negative result).
- Consume or be under the influence of alcohol, illicit drugs or prescribed medications that may impair function while on duty.
- Store alcohol, illicit drugs or prescribed medications in personal areas such as lockers and desk drawers.
- Attempt to sell or give alcohol, illicit drugs or prescribed medications to any other employee or other person on the company premises.

Employees must inform their line manager or the HR Department regarding any prescribed medication that may influence their ability to carry out their work safely and must follow any instructions subsequently given. Drugs that cause drowsiness must not be used while at work.

Prescribed medication that is classed as a controlled drug under the Misuse of Drugs Act, which must be taken during working hours must be reported to the Service Manager and locked in a secure location during working hours.

Any employee who suspects that they may have an alcohol and/or substance problem is strongly encouraged to seek help and support in the first instance from their GP or drug and alcohol service.

Any employee suffering from drug or alcohol dependency should declare such dependency, and the organisation will subsequently provide reasonable assistance, treating absences for treatment and rehabilitation as any other sickness absence.

Failure to notify the line manager or HR Department of this prior to being selected for a drug or alcohol test or a failure to accept help or continue with treatment will render the employee liable to normal disciplinary procedures.

3. Indicators of Alcohol and Substance Use

Alcohol Use

When people develop alcohol problems their behaviour in the workplace often changes. This change is not always sudden but can be observed over a period of time. It is not intended that any one of these indicators should be used on their own as many of them can reflect changes in behaviour for reasons other than drinking alcohol. However, if a number of these indicators are observed then managers and colleagues should be aware that the individual demonstrating them may have developed a problem with alcohol use.

- persistent record of absenteeism.
- frequent additional breaks taken through the working day (e.g. toilet or cigarette breaks)
- frequent accidents in the workplace, at home and on the roads.
- deteriorating work performance.
- attending work while impaired by alcohol.
- smell of alcohol at work.
- drinking and driving convictions.
- tremors, sweats, plethoric appearance (ruddy faced).
- behaviours that are out of character for the person.
- unexplained irritability and aggression.
- poor memory and a tendency to be confused.
- inappropriate or uninhibited behaviour.
- poor personal hygiene.

Substance Use

Substance use may influence work performance even if the use takes place outside the workplace. The following list of indicators must be used with caution; some of the signs associated with drug use may be caused by other factors like stress and should only be taken to mean that an employee may be using drugs.

- sudden change in behaviour pattern.
- tendency to become confused.
- irritability and possibly irrational behaviour.
- abnormal fluctuations in mood and energy.
- poor time keeping.
- increase in short-term sickness absence.
- deterioration in relationships with other people.
- financial difficulties, theft and other forms of dishonesty.

4. Assurance Testing

When an employee has declared that they are in recovery following a dependency on drugs or alcohol, the organisation may refer them for Assurance Testing.

This is a series of random drug and alcohol tests carried out over a period of 6 months to confirm that the employee has maintained their recovery.

Employees may be referred for more than one assurance test.

A non-negative test result following an assurance test may result in suspension from work and disciplinary action.

5. With-cause alcohol and drug testing

Employees will be typically tested for alcohol and drugs where they have had involvement in a workplace accident or an incident that has caused or could have caused a danger to health or safety.

Management will assess the situation, consider whether this is the first accident the employee has been involved in, the damage done, any police involvement, any other factors which should be considered, such as changes in behaviour or levels of absence at the time of the accident.

Where a manager believes that a member of staff is under the influence, they will observe and seek a second opinion; there may be times when a test is required, however this will be assessed depending on the situation. Any employee who notices obvious signs of alcohol or

drug use in a colleague should report their observations and suspicions in confidence to the HR department or the line manager.

Please note that where it is deemed necessary to arrange a with cause test the line manager should be first approved by a HR Business Partner or Head of HR & OD.

Refusal to undertake the test will be treated as a non-negative test result.

6. Use of Controlled Prescription Medication

Employees who are prescribed medication that may result in a non-negative result following a random or with cause test must declare the use of the prescribed medication in advance of the test.

Prescription medication types that could result in a non-negative test result are: -

- Medical cannabis
- Amphetamines – May be detected from prescribed medications for conditions such as ADHD or narcolepsy (e.g. dexamphetamine, lisdexamfetamine),
- Benzodiazepines – Commonly prescribed for anxiety, insomnia, muscle spasms or seizures (e.g. diazepam, temazepam, lorazepam).
- Opiates / Opioids – May be detected from prescribed pain relief such as codeine or morphine
- Tramadol – A prescription-only opioid painkiller which is included as a separate analyte on this test.
- EDDP – This is a metabolite of methadone, which is prescribed for pain management or as part of opioid substitution therapy.

Verifiable medical evidence of the use of any medication which may fall into the above stated groups, will be required to support this declaration. Acceptable forms of evidence must be issued within the last three months and can be one of the following: -

- A copy of a prescription for medicinal cannabis signed by a GMC-registered specialist doctor
- A treatment confirmation letter signed by a GMC-registered specialist doctor
- Confirmation from the employee's GP, which clearly states that the employee was initially assessed and is receiving prescribed medication in one of the groups stated above

The evidence provided must clearly show:

- Prescribing doctor's name and signature
- GMC number
- Medication name
- Date of issue
- Donor's full name and details

Tests undertaken in these circumstances will still produce a non-negative test result however, following the laboratory test the result may be confirmed as a negative result reported as “consistent with prescribed medication”.

Following the declaration of prescribed medication which may result in a negative result reported as “consistent with prescribed medication” in laboratory testing, an Occupational Health and risk assessment may be required.

Declaration of prescribe medication in any of the above stated categories does not excuse employees from being required to comply with a random or with cause drugs test. Refusal to comply with a request to submit to a test will be dealt with as stated in section 9.

In relation to prescribed cannabis, Hillcrest will only accept the use of odourless forms of this prescribed medication.

Employees who are taking medical cannabis for whatever reason will not be deployed on safety- critical duties (e.g. driving or working at heights) due to: -

- Inadequate data about the impact on cognitive function in terms of intensity / duration
- Inability of laboratory tests to distinguish between recreational and medicinal use
- Impact on drug testing programmes
- Legal implications of driving under the influence of medication

7. Prescription and over the counter medicines

Employees should recognise that prescribed and over-the-counter medicines may cause impairment to their safety and performance at work. It is therefore the employee’s responsibility to seek advice from their medical practitioner or pharmacist on any medicines they are taking. Employees must inform their Line Manager and HR Business Partner of any possible side effects of their medication that could impair their ability to work safely (e.g. driving or work at height).

It is not necessary to disclose a diagnosis, only what adjustments or restrictions are needed. Duties may be adjusted temporarily to maintain safety following an Occupational Health assessment.

Misuse of medicines (e.g. taking more than prescribed, using someone else’s prescription) is prohibited.

Declaration of over-the-counter medication does not excuse employees from being required to comply with a random or with cause drugs test. Refusal to comply with a request to submit to a test will be dealt with as stated in section 9.

8. Random alcohol and drug testing

Under the Road Traffic Act 1988 and the Transport and Works Act 1992, drivers of road vehicles or individuals in charge of a motor vehicle must be free from illegal drugs, NPS, prescribed drugs for which no valid prescription is available and/or alcohol above the Scottish legal drink-drive limit while driving or attempting to drive a vehicle. If employees are required to drive as part of their role, they must ensure that they are fit to do so.

All employees and contractors who are classed as white fleet drivers, trade operatives in Hillcrest Maintenance, Hillcrest Futures employees, Hillcrest Enterprise and Hillcrest Homes employees who have responsibility for the safety and care of the people we support; clients and tenants will be required to undertake a random alcohol and drug test if selected.

Employees are advised that a request to undergo alcohol and drug testing does not indicate that they are under any suspicion of wrongdoing.

Random testing will be carried out periodically throughout the year. A maximum of 10% of employees in the eligible criteria will be subject to random testing each year.

The dates of random testing will be determined by the Head of HR & OD and the HR Business Partner responsible for arranging the tests.

9. Test refusal

An unreasonable refusal to submit to an alcohol and drug test in accordance with the organisation's procedure will be treated as a non-negative test result under the testing process and as such may be treated as gross misconduct under the disciplinary procedure

10. Action after a non-negative test

If a test proves non-negative, the employee will be immediately suspended from work and invited to attend a disciplinary investigation meeting. Should a disciplinary hearing be a result of this, then the employee will have the right to be accompanied by a colleague or trade union representative at the disciplinary hearing.

The outcome of the disciplinary hearing will depend on the circumstances but could include sanctions up to dismissal.

11. Data protection and privacy

Testing is carried out to ensure the health and safety of employees and stakeholders.

All possible measures will be in put in place to ensure confidentiality of test results, and checks will take place to avoid any false results. Access to test results is strictly limited to the people for whom it is necessary, such as the employee's line manager, HR and occupational health.

The organisation has in place arrangements with the external alcohol and drug testing company to ensure that it has measures safely and securely to process employees' test results.

Alcohol and drug testing will be carried out only by qualified and competent personnel who will use accepted and reliable methods and ensure that tests are carried out with the least possible intrusion into employees' privacy. This includes Hillcrests nominated Alcohol and Drug Testing provider and trained members of the HR and Health & Safety Teams.

Test results are retained in accordance with the organisation's data protection policy. Non-negative alcohol and drug test results are retained only long enough for them to be investigated and dealt with under the organisation's disciplinary procedure. Negative tests are normally securely destroyed within 7 days of receipt.

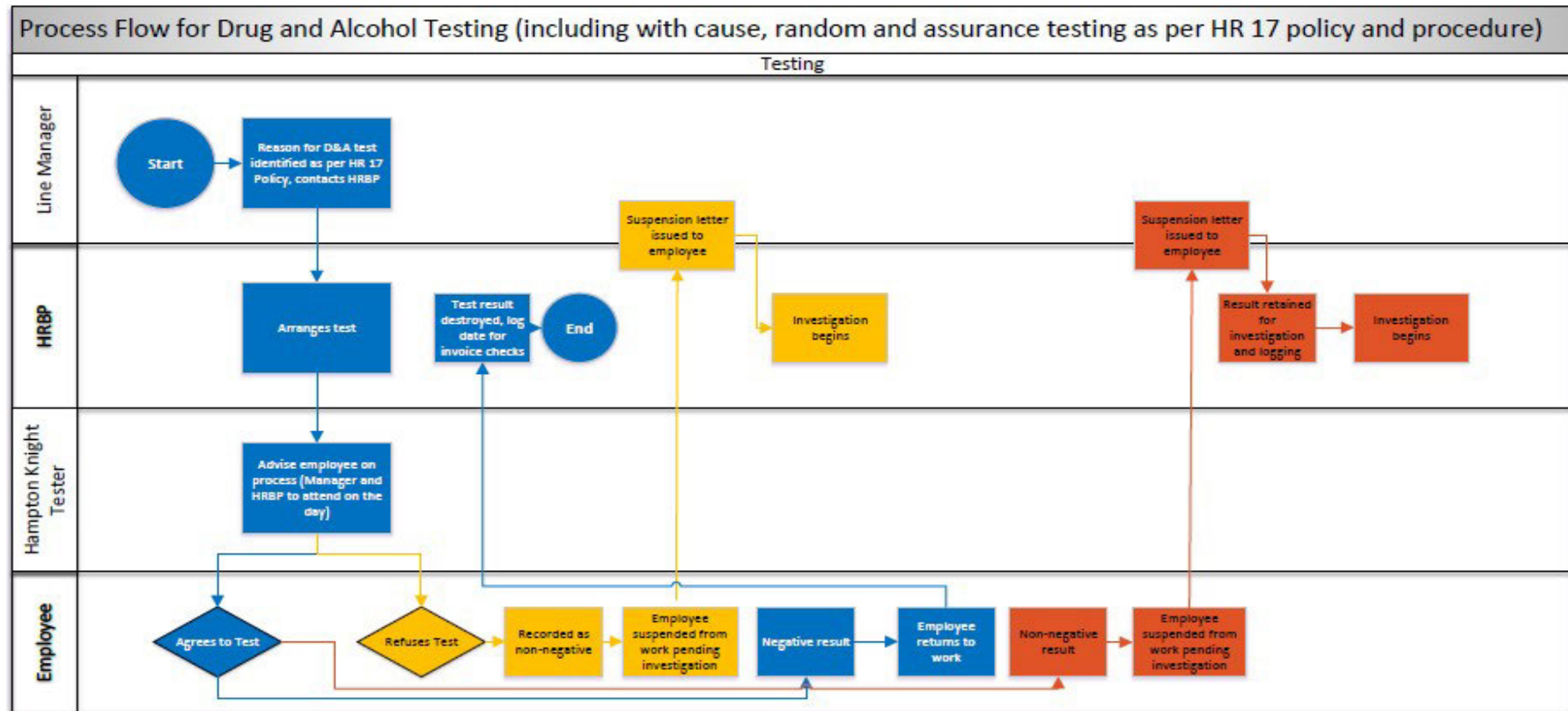
Employees and workers have statutory rights in relation to their data, including the right to make a subject access request and rights to have data rectified or erased in some circumstances. You can find further details of these rights and how to exercise them in the organisation's data protection policy. If workers believe that the organisation has not complied with their data protection rights, they can complain to the Information Commissioner.

12. Complaints

If an employee has a complaint about the way in which an alcohol and drug test has been conducted, they can raise this informally with their line manager or the HR department. If an employee prefers to raise a formal complaint, they should refer to the organisation's grievance procedure.

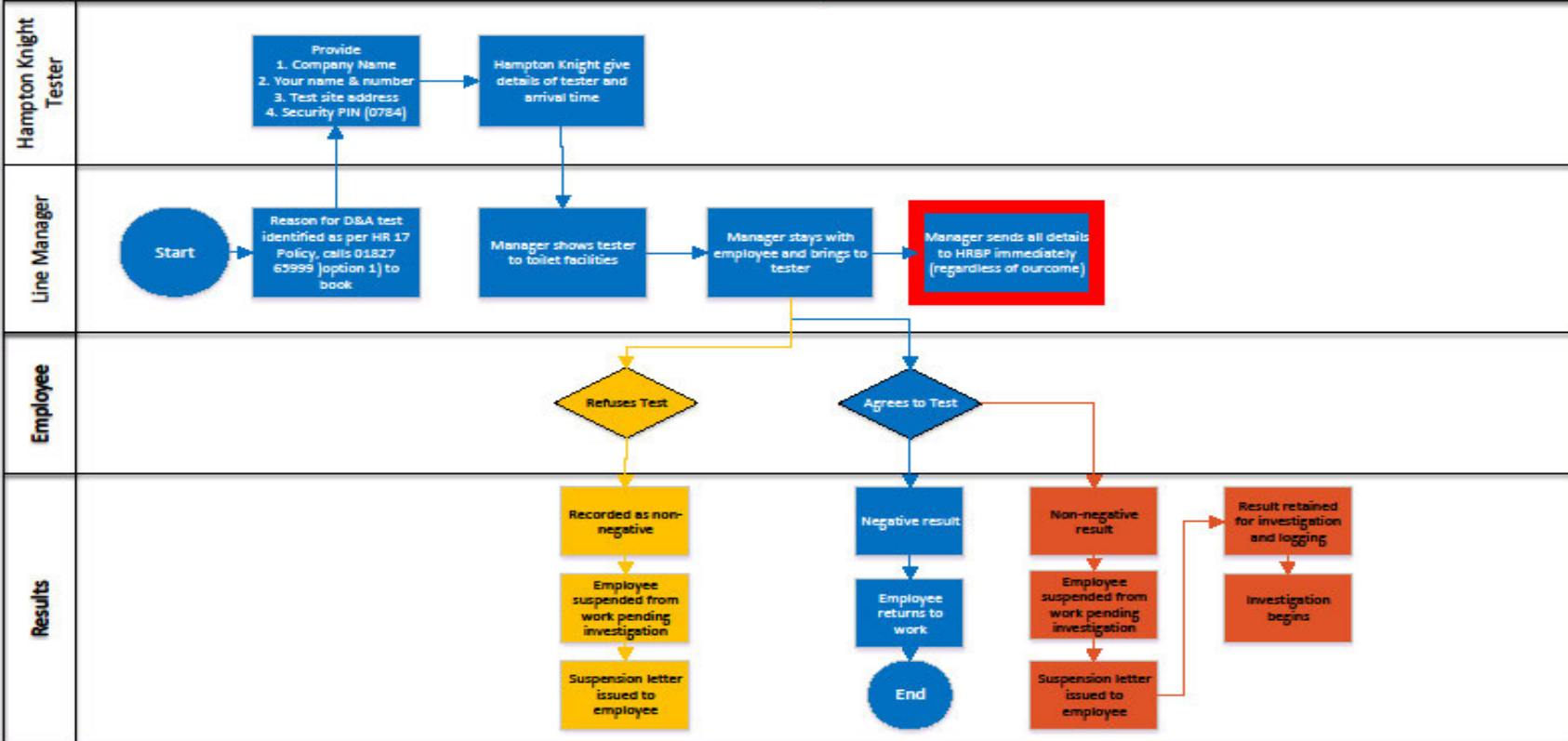
Appendix 1

Process Flow for Drug and Alcohol Testing (During Office Hours)



Out of Hours (Weekends and from 1715 Monday – Thursday and from 1300 Friday)

Testing



**01827 65999
option 1**

Start / End

Process

Decision

Appendix 2

FAQs - Drug and Alcohol Testing

Drug and Alcohol Testing

You are required to undertake a drug and alcohol test for one of the following reasons: -

- You have been involved in a vehicle incident
- There is a cause for concern that you have presented at work under the influence of drugs and, or alcohol
- You have been selected at random as part of the organisations on-going random drug and alcohol checks
- You have declared a dependency and been put forward for Assurance Testing.

The reason for a test will be clearly explained to you by your line manager, on-site contact or a member of the HR team. You will be asked to provide a breath sample (to check for the presence of alcohol) as well as a urine sample (to check for the presence of any illegal substance). The purpose of this document is to explain what you should expect when the technician arrives and to hopefully help to answer any answer questions you may have.

Your on-site contact or the technician will be able to answer any additional questions so please do not hesitate to ask.

What to expect: -

- In the event of a with-cause or post incident test, the technician will arrive on site within 1 – 2 hours. Your on-site contact will be able to give you an estimated time of arrival
- In the event of random testing, you will normally only be notified of this when you are called upon to take part
- During the wait, you will be asked to refrain from smoking, drinking or eating. A limited amount of water may be consumed in agreement with your on-site contact.
- The technician will clearly explain the process to you, and you will be provided with an opportunity to ask questions throughout
- You will be asked to read information about each type of test, as well as sign your consent to both types of tests taking place
- You will be asked to provide a form of identification. Where this is not possible, the on-site contact or a line manager will be asked to confirm your identity to the technician
- You will be asked to state any prescription medication that you are currently taking which may impact the test result. In the case of certain prescription medication, you may be asked to provide verifiable evidence of this prescription
- A breathalyser will be used to determine the presence of any alcohol within your system
- A urine sample will be required to determine the presence of any illegal substance
- The technician will make arrangements to block off access to any water or liquid substances in the bathroom in preparation for providing a urine sample

- The technician will accompany you to the bathroom but will not be present in the cubicle. This is to make sure that no water or other substances is used to contaminate your sample in anyway and to avoid any dispute in this regard
- Results of both the breath and urine sample will be provided instantly on the day, first to the employee and then to the on-site contact before being communicated to HR.
- Copies of any readings will be provided to the employee and the HR Department
- Employees who receive a negative reading for both tests can resume back to work. Employees with a non-negative (positive) result will be suspended from work.

Frequently Asked Questions

Why am I being asked to undertake a drug and alcohol test?

Drug and alcohol testing is a way for the organisation to ensure the health and safety of all staff, our clients, the public and people we support.

You may be asked to undertake a drug and alcohol test for one of the reasons outlined earlier.

What drugs will I be tested for?

The urine sample will test for the following: -

Amphetamine	Cocaine	Opiates
Barbituates	Ketamine	Propoxyphene
Benzodiazepines	Methadone	
Cannabis (THC)	Methamphetamine	

What will happen if I refuse to take part in the drug and alcohol test?

Where an employee refuses to take part in a drug or alcohol test, this will be taken as a non-negative result. In the event of a refusal, you will be suspended from work pending an investigation.

What is the limit for testing for the presence of alcohol?

The organisation follows the Scottish drink drive limit for testing which is currently 0.22 micrograms of alcohol per 100ml of breath. Whilst our expectation is that the reading will be 0, to allow for any margin of error, the organisation will accept a reading below 0.22 as a negative result.

I am taking medication will this affect my results.

The possibility exists that certain medications will confirm a non-negative result. However, the technician will be unable to determine if the medication you are taking is consistent with the results. This will need to be sent to the laboratory for further analysis and verifiable evidence of this current prescription may be required. You will be asked to declare if you are taking any medication or have taken any medication in the last 2 weeks and this will be noted and sent to the laboratory along with your sample. The verifiable evidence of this current prescription must be provided within 48 hours of the test being taken and will be forwarded to the laboratory. The laboratory will be able to confirm if the medication taken is consistent with the results. During this time, you may be suspended from work until the results are received.

What will happen if I return a non-negative result?

Where there is a non-negative result for drugs or alcohol, the employee will be suspended pending an investigation and disciplinary hearing. Any non-negative result from a urine sample will be sent to the laboratory for further testing. Where a non-negative result is due to medication declared, the employee will not be subject to a disciplinary hearing. If a suspension from work has been deemed appropriate, this will remain in place until results are confirmed by the lab.

How will staff be selected at random for drug and alcohol testing?

Sites are selected at random at various times throughout the year using a random generator formula in excel. An anonymous staffing list will be provided to the onsite technician who will select staff at random. A maximum of 10% of staff eligible for random testing will be tested annually.

I have already taken part in random drug and alcohol testing, why am I being randomly tested again?

Unfortunately, there is the potential for staff to be tested more than once due to the random nature of the selection.

What is Assurance Testing?

When an employee has declared that they are in recovery following a dependency on drugs or alcohol, the organisation may refer them for Assurance Testing. This is a series random of drug and alcohol tests carried out over a period of 6 months to confirm that the employee has maintained their recovery. A non-negative test result will be treated as detailed above for non-negative test results following a random or with cause test.

Procedure Document Governance and Management

Author/ Lead:	Anna Marshall, HR Business Partner
Version number:	Version 5
Current version referred for approval to:	Head of HR & OD
Current version approved on:	24/02/2026
Date of next review:	24/02/2031
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Date of Environmental Impact Assessment:	Click here to enter a date. N/A <input type="checkbox"/>