



SUBSTANCE MISUSE

Executive Summary

At West Midlands Police (WMP), we are committed to protecting your health, safety and wellbeing at work. We also have a legal obligation and moral duty to ensure public confidence in policing and maintain the integrity of our Force.

The misuse of alcohol and/or drugs can have serious consequences for individuals, the police service and the public. It can lead to impairment of judgement, an increased risk of accidents, reduced efficiency & performance, poor attendance, potential misconduct and criminality. It can also be a criminal offence to put others at risk by negligent actions or omissions.

We will address substance misuse in our Force, ensuring we protect the health and safety of our people and the communities we serve, whilst striving to support those with a self-declared recognised dependency. We will support you in managing your dependency through our Occupational Health service and deal with your circumstances in a fair and consistent manner.

We have set out this policy:

- To provide a working environment which is, safe and without risk to employees or the communities we serve;
- To provide a framework to enable substance misuse by employees to be managed in an appropriate, fair and consistent manner;
- To provide confidential advice and support to employees who have substance misuse problems and to promote an environment which encourages employees to seek help voluntarily;
- To ensure that where alcohol and substance abuse is identified and recognised as a possible health problem, it is addressed in a positive and constructive manner;
- To ensure that employees are fully aware and informed of the risks associated with alcohol, drugs and substances misuse and the consequences of their action, in relation to their health, well-being, employment and the law;
- To remove the risk of corruption as a result of our people engaging in drug use which may bring them into contact with criminality;
- To ensure we have fair, effective and legitimate processes in place to test our people for substance misuse.

Authorised Professional Practice (APP):

- This policy has been checked against APP and there is none in relation to the subject matter of this policy.

Policy Statements:

- This policy applies to all WMP officers, special constables, police staff, volunteers, agency staff, contractors and consultants, regardless of rank or seniority (including secondees to and from WMP).
- For the purposes of pre-employment screening only, it also applies to all applicants for the position of police officer or special constable with WMP and police staff in safety critical roles.
- See attached procedural guidance for details of safety critical and vulnerable roles within WMP. This guidance also details responsibilities of officers and staff across WMP.
- The expectation is that you must attend work fit for duty and not under the influence of either substances or alcohol.

- We recognise there may be situations where there is a requirement for you to take medication for medical reasons.
- WMP will endeavour to work with you in order to ensure your wellbeing, safety for you and others which includes members of the public and colleagues, and to also preserve the reputation of the WMP.
- It is the responsibility of all staff and officers to raise concern about suspected substance misuse regardless of rank or grade.

SUPPORTING INDIVIDUALS

- It is recognised that substance misuse problems may develop for a variety of reasons.
- Over a lengthy period of time they can have a significant impact upon an individual's life and their ability to carry out work safely and effectively.
- Problems can be successfully overcome. It is recommended that they be treated in a similar way to other ill-health problems and early intervention is key.
- We would encourage individuals suffering from substance misuse problems to seek help and treatment in overcoming them.
- We are committed to providing advice and guidance on overcoming these problems.
- The aim of any support will be to help individuals with substance problems towards a full recovery with a view to enabling them to undertake the full range of duties commensurate with their role.
- We will manage your dependency through our Occupational Health service and your case will have an agreed testing and review regime determined between the nurse and yourself.
- Where relevant, we may utilise a recognised specialist external agency who can help us to support you at work.
- If you refuse or continually reschedule Occupational Health or specialist appointments, we will only be able to decide what action to take based on the information that is available to us.
- We will support your attendance at meetings related to your dependency, including support groups and medical appointments.
- We may consider flexible or reduced working options for the duration of your programme.
- We will treat any sickness absence from work relating to your dependency, including time off for rehabilitation programmes, as we would with any other sickness from work, in line with our Attendance Management Policy.
- We will make every effort to support you in retaining your role with us, providing you take responsibility for your substance misuse problem and can return to the required standards necessary for successful performance in your role.
- To enable you to achieve the reasonable standards set, it is expected that your Line Manager will provide you with a structured framework.

- It may be necessary to temporarily restrict your duties or move you to an alternative role whilst you are undergoing treatment or support, particularly if you are in a safety critical role.
- Where we do so, this will be in consideration of guidance from Occupational Health.
- Where your dependency problem is affecting your work performance, you will be managed in line with:
 - Police (Performance) Regulations 2020 for police officers
 - Police Regulation 2003 for student officers
 - Capability Policy for police staff

DECLARATION & REPORTING

VOLUNTARY SELF-DECLARATION

- We recognise that some of our officers and staff may have a dependency on alcohol or drugs.
- We believe that early intervention is important; the longer your misuse continues, the greater the chance that it will adversely impact your performance and the health and safety of you and others at work.
- You must speak to someone (such as your manager, a work colleague, your Trade Union/Police Federation representative, Occupational Health) if you have or suspect you may have, an alcohol or drug related dependency, so that we can work with you and provide appropriate support.
- You may also want to contact our Employee Assistance Programme helpline, which is independently managed and completely confidential.
- You must make a declaration as soon as you consider you may have a problem.
- You cannot make a self-declaration after you have been notified of a requirement to take either a drug or alcohol test with the aim of avoiding the consequences of a positive test result.
- In these circumstances, if a positive test result is confirmed, we will still pursue disciplinary action.

DECLARATION OF MEDICINES

- It is important you declare all medications you are taking which may have an impact on your ability undertake your duties.
- This is not only so that we can take account of any legitimate reason before any alcohol or drug test is carried out as to why a drug may be present in a specimen, but more for us to make sure that you are provided with necessary support in managing your circumstances.
- We recognise that disclosing medications is personal information and any such disclosures will be subject to medical confidentiality by our Occupational Health team/provider.
- Prescribed morphine could be a legitimate painkilling medicine, rather than an indication of opiate misuse.

- This extends to CBD (cannabidiol) however, evidence shows that there is little or no cross reactivity to CBD and consequently a sample from an individual who has only consumed CBD oil from a UK health food store in a quantity consistent with recommended dosage guidelines is highly likely to test negative.

RAISING CONCERNS

- If you have grounds to believe that a colleague is involved in illegal drug abuse or has an alcohol dependency, you must report this to:
 - Your line manager
 - The individual's line management
 - Trusted colleague
 - our Professional Standards Department
- This can be made 'in confidence' by using the **Confidential Line**.
- We will assess all allegations and take action that is proportionate to the intelligence we receive and any subsequent investigation we undertake.

CONFIDENTIALITY

- We will maintain strict confidentiality when dealing with your dependency and there would be a confidentiality agreement between the OH nurse and yourself.
- However, whether it is a self-referral or any other, there may be circumstances where we need to share some information with others; for example, if you are in a safety critical role.
- This is likely to include your line manager, Occupational Health, HR and could extend to others on a need to know basis.
- In all cases, we will notify you in advance and ensure information is managed sensitively and restricted to those who legitimately need to know.
- Any information disclosed, will be done in order to ensure that we can manage the individual, ensuring their safety and the safety of others in the workplace and in consideration of the role the individual undertakes.
- Specific details of treatment plans or details of misuse disclosed will not be provided unless at the request of the individual.

TESTING

ATTENDING WORK UNDER THE INFLUENCE

- If you attend work under the influence of alcohol, drugs or other substances, your judgement, co-ordination and decision-making may be significantly impaired, putting your own safety and that of others at risk.
- It also conflicts with your ethical and general responsibility to present yourself as fit for duty/work with our force.

- You must not attend work impaired by any substance that may adversely affect your ability to carry out your duties or that breaches your legal, regulatory or contractual obligations.
- If we reasonably believe you are at work when you are under the influence of alcohol or drugs, we will conduct 'with cause' testing.

MANAGING OUR CONCERNS ABOUT A SUSPECTED DEPENDENCY

- If we have concerns that you may have a problem with alcohol or drugs which you have not voluntarily declared, we may as appropriate:
 - Discuss this with you
 - Conduct 'with cause alcohol' testing,
 - Conduct 'with cause – drug extended sampling' testing
- Police officers are entitled to seek Federation advice and police staff are entitled to seek Trade Union advice prior to any such discussion.
- Where there is insufficient evidence to undertake a 'with cause' test, we may refer you for a vulnerability interview.
- We will also assess the risks associated with your role and may consider temporarily suspending you from your role or removing you from any duties involving contact with the public whilst we wait for conclusive results.

REFUSING TO PROVIDE A SAMPLE

- It is a breach of the Standards of Professional Behaviour (Instructions) and the Code of Ethics to refuse to provide a sample for drug or alcohol testing when required to do so in accordance with this policy.
- For police officers it is a breach of Police Regulations (Regulations 10 & 19A) and for police staff, a breach of the Terms and Conditions of employment.
- If you fail or unreasonably refuse to provide a sample suitable for testing this may be subject of misconduct/disciplinary proceedings which may result in disciplinary action up to and including dismissal.
- Officers and staff may seek advice from their Union or the Police Federation prior to testing, however the testing procedure will not be delayed.

DRUG TESTING

- WMP reserves the right to conduct a proportionate and fair drug testing regime to deter you from misusing drugs and to minimise the risk to our Force.
- We will undertake all of our drug testing, whether random or with cause, without giving you any prior notice.
- However, we will not recall you to duty to test you for drugs.
- In all cases, we will test for the following controlled drugs:
 - Amphetamines, including ecstasy
 - Cannabis

- Cocaine
- Opiates; for example, morphine and heroin
- Benzodiazepines

- When 'testing with cause', we may also test one other controlled drug or drug group, in addition to the list above - Steroids.
- This may extend to testing for steroids where there is intelligence and cause to suspect steroid misuse.
- In all cases, we will inform you which additional drug or drug group we will include, before we undertake the testing.

DRUG TESTING CATEGORIES

- Drug tests will be administered by trained medical professionals.
- In the main, testing will be applied for and co-ordinated by the Professional Standards Department (apart from pre-employment screening).

<u>PRE-EMPLOYMENT SCREENING TESTING</u>	<ul style="list-style-type: none"> ● Pre-employment screening (hair testing) is a prerequisite of the recruitment process for all our police officers and for police staff working in safety critical roles (inc. transferees and re-joiners.) ● If you are a potential recruit to our Force and do not want to submit a test for substance screening, we reserve the right to withdraw you from our recruitment process. ● For police officer candidates, all aspects of collection and on-site screening, including obtaining information about medications, may be undertaken by our Recruitment team, instead of Occupational Health. ● If your pre-employment screening shows a confirmed positive result, we will notify you without delay and you will be rejected from our recruitment process. ● In line with the medical history questionnaire issued in September 2020, candidates must disclose historical use of any: <ul style="list-style-type: none"> ● Recreational drugs ● Misused prescription drugs ● Any other 'controlled' drugs (also referred to as Class A and or Class B drugs). ● We will then follow the internally agreed process for either rejecting candidates from the process or proceeding with the recruitment process, dependent upon the circumstances.
<u>RANDOM ROUTINE TESTING</u>	<ul style="list-style-type: none"> ● Police Regulations (Regulations 10 & 19A) introduced the power to test for controlled drugs. This was adopted for Police Staff with the agreement of Police Staff Council in line with circular 51/2008. ● We reserve the right to perform random drug testing within WMP covering all officers regardless of rank or seniority (Home Office circular 11/2012)



	<ul style="list-style-type: none">• The sample size and frequency of our routine testing will be proportionate to our perceived risks and costs, agreed with our local Police Federation and Union representatives. It may be amended from time to time.• We will monitor all random samples by taking into consideration relevant protected characteristics, so that there is no unintended bias arising from the sampling technique we use.• Prior to undertaking random testing, consultation will be undertaken with the Police Federation and Unions and they will be provided with the timeframe of the planned test and will be afforded the opportunity to attend.• Your 'police friend' (officers) as defined by the Police (Conduct) Regulations 2020 or a Union representative or colleague (staff) will be offered the opportunity to attend when the samples are being taken.• If your 'police friend/representative' is delayed in attending, we will not delay the testing procedure, provided we have consulted the Police Federation and Unions.
<u>TESTING WITH CAUSE</u>	<ul style="list-style-type: none">• We will conduct a drugs test, if we have reasonable cause to suspect, based on intelligence received, that you are misusing drugs.• If we reasonably suspect you are at work when you are under the influence of alcohol or drugs, we will conduct 'with cause' testing.• A reasonable belief must be based on more than simply an allegation and may include factors such as:<ul style="list-style-type: none">• Behaviour• Performance• Reports from colleagues• Anonymous reports• In order to undertake 'with cause' drug test, authority will be sought from an officer at least the rank of a Chief Inspector or police staff equivalent in PSD.• Prior to undertaking 'with cause' testing, consultation will be undertaken with the Police Federation and Unions and they will be provided with timeframe of this test and afforded the opportunity to attend.• Your 'police friend' (officers) as defined by the Police (Conduct) Regulations 2020 or a Union representative or colleague (staff) will be offered the opportunity to attend when the samples are being taken.• If your 'police friend/representative' is delayed in attending, we will not delay the testing procedure, provided we have consulted the Police Federation and Unions.• However, reasonable efforts will be made to ensure you have been able to consult a police friend/representative.



TESTING WITH CAUSE – EXTENDED SAMPLING

- Where we have reasonable cause to suspect, based on intelligence received, that you have used a controlled drug on more than one occasion, we may conduct extended sampling.
- We must gain authorisation from an Officer of at least the rank of Assistant Chief Constable before we pursue this testing.
- We will take a maximum of 3 samples of urine or oral fluid (saliva) over a maximum period of 90 days and will not discount any periods of sickness absence when calculating the sample timeframe.
- You will not be given any advanced notice of the requirement to provide each sample but you will be informed at the time of the first sample that we may require 2 further samples within the designated timeframe.
- Each time we take a sample, we will notify you of the drug(s) or drug group(s) we will be testing.
- Prior to undertaking this testing, consultation will be undertaken with the Police Federation and they will be provided with timeframe of this test and afforded the opportunity to attend.
- You will also be able to have a 'police friend' present (officers), as defined by the Police (Conduct) Regulations 2020, when the samples are being taken.
- If your 'police friend' is delayed in attending, we will not delay the testing procedure.
- However, reasonable efforts will be made to ensure you have been able to consult a police friend/representative.

SAMPLES AND TESTING

DRUG TEST SAMPLES

- If you are either a serving officer/staff member, or an officer/staff member transferring into our Force, we may test your oral fluid (saliva) or urine.
- We may use oral fluid (saliva), urine or a hair sample when drug testing during our recruitment process or for new recruits
- In carrying out testing, we will ensure that we follow the relevant legislation and guidance as amended from time to time.

CONDUCTING ON-SITE DRUG SCREENING

- We may use initial on-site screening tests, which will always be carried out by a suitably qualified person (either a member of staff of the independent testing agency or a trained officer or member of staff from our Force).
- It is important you remember to declare any medications you are taking before the test.

- If you have a positive test result, we will send the residual specimen to an independent agency for full laboratory analysis and medical review.
- We will also need to notify your manager to ensure we effectively assess the risk of deploying you to perform your full range of duties.
- It is likely that we would need to remove you from any contact with the public.
- The initial positive result is only a provisional indication, we would not take any further action at this stage.
- If we are conducting 'with cause testing', we may send your specimen directly for laboratory analysis, without conducting an initial on-site screening test.

LABORATORY ANALYSIS AND MEDICAL REVIEW

- We will use split samples in all cases that proceed to laboratory analysis.
- If the first laboratory test is a positive result, a second confirmation test will be done.
- If you want to challenge the result of the first test, you can request that the confirmation sample is tested independently.
- A confirmed positive test result from the laboratory analysis will be subject to medical review to determine if there is a legitimate explanation for the presence of a drug in the sample.
- The independent accredited results will be sent to Occupational Health.
- If the result is negative, they will subsequently notify you of this and advise your line manager of the lifted restriction without delay.

POSITIVE TEST RESULTS

- All police officer and staff positive results will be referred to our Professional Standards Department (PSD) for further action.
- PSD will notify you of the result and inform your line manager of any immediate action required, including suspension from duty or restrictions or support where appropriate.
- A positive test result may lead to formal misconduct/disciplinary proceedings or criminal action or both.

ALCOHOL TESTING

- Although we recognise that alcohol is not illegal, it is a substance that can still be misused.
- If you attend work under the influence of alcohol, your judgement may be impaired and you are unlikely to be fit for work.
- We will conduct alcohol testing, without advanced notice, to deter you from misusing alcohol and to minimise the risk to our Force.
- We will not recall you to duty to test you for alcohol misuse.



INADVERTENT ALCOHOL IMPAIRMENT

- If you suspect you might be inadvertently over the alcohol limit, we expect and encourage you to declare this.
- It is important that any declaration is made before you are notified of a requirement to take an alcohol test.
- If you are uncertain how to proceed, we advise you to consult your union or federation representative.

ALCOHOL TESTING CATEGORIES

<u>RANDOM ROUTINE TESTING</u>	<ul style="list-style-type: none"> • We reserve the right to perform random alcohol testing within WMP, covering all officers and staff, regardless of rank or seniority. • We will agree the scale of routine testing with our Police Federation/Union representatives at relevant times and if required may amend this from time to time. • We will monitor all random samples by ethnicity, faith, gender, disability and sexual orientation, to ensure there is no unintended bias arising from the sampling technique we use.
<u>TESTING WITH CAUSE</u>	<ul style="list-style-type: none"> • We will conduct a 'with cause' alcohol test, if we reasonably suspect you are under the influence of alcohol.

SAMPLES AND TESTING

- We will use breath testing equipment capable of measuring at the 13 micrograms per 100ml in breath.
- We will take two consecutive breath specimen tests; the final result will be the lower of the two readings.
- The roadside screening process will only be used for the screening process.
- If we suspect alcohol misuse, we will administer a breath alcohol test on an evidential intoxiliser for a calibrated test after a wait of 20 minutes to make sure the alcohol has been absorbed into the body.
- Unless there is suspicion that the individual has been driving whilst over the prescribed limit then there is no need to present the individual to the custody officer.
- Arrangements will be made for the individual to be taken directly to the intoxiliser room before arrival at a custody suite.
- When conducting the test, we will make all reasonable efforts to clear the area of other users, however, we will not delay the test being carried out if this not be practicable.



POSITIVE ALCOHOL TEST

- There is a presumption that a person is unfit to work if they have more than:

BLOOD	29mg%
URINE	39mg%
BREATH	13micrograms% per 100ml

- If the above threshold is met, we will consider this as a positive alcohol test result.
- We may take formal disciplinary action against you if you have a positive alcohol test result.
- If it is reasonably suspected that an individual is driving under the influence, the appropriate process under the Road Traffic Act 1988 will be applied

MISCONDUCT

- We will deal with any cases of misconduct relating to your consumption of drugs, alcohol or other substances in line with Police Regulations or Police Staff Disciplinary Policy.
- This may result in disciplinary action, up to and including dismissal.
- Any criminal offences under the Misuse of Drugs Act 1971 or other legislation may also be investigated.
- If during a disciplinary/conduct investigation we decide that you are unfit for work due to your substance dependency or misuse, you may be suspended from work on full-pay for such period as is necessary to minimise the health and safety risk to you, your colleagues and the public.

SUPPORT

- We understand it can be challenging to manage your own substance misuse problem which can have a significant impact upon your life and people around you.
- Whether you are an individual undergoing challenging times, a Line Manager supporting/managing a colleague, or an individual who would like to raise concerns about your colleague, we recognise that this may have an impact on you.
- The Force offers an Employee Assistance Programme (EAP) scheme and it is a completely confidential independent support which may assist you.
- The services provided by VIVUP are available using text / call 24/7 and 365 days of the year.
- You can contact their helpline for support and guidance [REDACTED]
- Further information on the EAP scheme can be found via the My Service Portal **Employee Assistance Programme**
- Or can be accessed directly from their website -**VIVUP**



Definitions/Acronyms:

SUBSTANCE MISUSE:

Substance misuse includes the use of illegal drugs, the misuse of prescribed and non-prescribed drugs, legal highs, [solvents & other similar substances], steroids and the excessive consumption of alcohol.

Procedural Guidance Documents List:

Roles & Responsibilities

Frequently Asked Questions (FAQs)

Managers Guide

Publication Instructions:

- Redacted version required for publication to public – Remove EAP contact details

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Policy Author: [REDACTED] Head of Employee Relations / [REDACTED], Employee Relations Manager

Department Responsible: Employee Relations

Business Area Owner: Business Partnering

Any enquiries in relation to this policy should be made directly with the policy author shown above.

Force Executive Approval:

CHIEF CONSTABLE

Monitoring and Review



Version	Date Reviewed	No change / Minor Changes / Major Changes (<i>detail</i>)	Amended / Agreed by	New review date
1.0	23/11/2022	Pg 5 & 6 hyperlinks to Police Regulations incorrect – amended from 2020 to 2003	[REDACTED]	08/08/2024 (same)
1.0	24/03/2023	Policy ref changes to reflect department and portfolio changes	[REDACTED]	08/08/2024