
NOT PROTECTIVELY MARKED

Policy owned by People and Resources

Alcohol, Drugs or Substance Misuse or Abuse

**WARNING - THIS INFORMATION IS UNDER REVIEW
UNTIL REVIEW IS COMPLETE CONTENTS SHOULD BE CONSIDERED
CURRENT**

Please contact the People and Resources department

1. Policy Purpose and key drivers

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The aims of this policy are to create a climate where all police officers, police staff and members of the Special Constabulary recognise the need to create an environment where substance misuse is not tolerated and staff feel a genuine obligation towards openness and transparency when reporting such breaches of professional standards. This motivation arises from a desire to maintain the integrity of the Police Service and with the knowledge that such action will be universally acknowledged as right.

A key emphasis of this Policy is to encourage police officers and staff who may have substance or alcohol misuse problems to recognise this and in doing so they should be assisted in seeking treatment which is a key component of the code of ethics.

The application of this policy demonstrates our values of fairness, equality and integrity, and is also intended to improve trust and confidence in the Police Service amongst the community it serves.

The purpose of the policy is to ensure that:

- All officers and staff are made aware of their responsibilities regarding alcohol and drug related problems.
- Officers and staff who have an alcohol or drug related problem are encouraged to seek help, in confidence, at an early stage, prior to any request for a sample.
- Officers and staff who volunteer an alcohol or drug related problem are dealt with sympathetically, fairly and consistently.

- That appropriate, effective and legitimate processes are in place to test officers and staff for substance misuse.

In addition this policy aims to:

- Increase awareness of the effects of alcohol and drugs and of the likely symptoms of misuse.
- Assist officers and staff to seek help in confidence at the earliest opportunity.
- Provide, wherever possible, a mechanism to assist officers and staff to return to full health.
- Ensure an effective testing regime is in place.

Staffordshire Police is committed to providing a citizen focused service which responds to the needs of individuals and communities and inspires trust and confidence in the police.

This is in line with the code of ethics and policing principles which all police officers and staff are committed to.

Staffordshire Police seeks to reassure all communities through a robust and transparent approach to performance and standards issues. This key area of policy ensures that the Service acts appropriately in order to maintain the integrity of the organisation.

Alcohol, drug or substance misuse or abuse can lead to reduced efficiency, poor performance, increased risk of accidents, increased sick leave and potential misconduct problems. This can have serious consequences for individuals and their families and is costly for the Police Service.

Possessing and supplying illegal drugs are criminal offences. The Police Standards of Professional Behaviour makes it clear that officers should present themselves as 'fit for duty'. Police Staff are governed by The Police Staff Council Standards of Professional Behaviour. Both enable the organisation to take disciplinary or misconduct proceedings where appropriate.

The Service recognises the difficulty of breaking a cycle of dependency and will offer help to those who volunteer that they may have a drink or drug

misuse problem. Where officers or staff recognise that they need help, the primary aim of the service should be to support and assist that person as far as is possible.

HUMAN RIGHTS CERTIFICATION

This policy may impact on the rights of individuals with interference of an individual's rights under Articles 3, 5, 8 and 11 of the First Protocol of the European Convention on Human Rights, as embodied in the Human Rights Act 1998.

Article 5 – Right to liberty and security

Article 8 - Right to respect for private and family life

Article 11 – Freedom of assembly and association

Article 11(2) Legitimate Restrictions only to protect:-

- i) National security
- ii) Public safety
- iii) Prevention of disorder
- iv) Health or morals
- v) Rights of others

Consideration has been given to the compatibility of this policy and related procedures with the Human Rights Act; with particular reference to the legal basis of its precepts: the legitimacy of its aims; the justification and proportionality of the actions intended by it; that it is the least intrusive and damaging option necessary to achieve the aims; and that it defines the need to document the relevant decision making processes and outcomes of this action.

This policy is relevant to the obligations placed upon the Police Service to:

- (a) Eliminate unlawful discrimination.
- (b) Promote equality of opportunity;
- (c) Promote good race relations between people of different racial groups.

Related Documents

Links to related documents: [Alcohol, Drugs or Substance Misuse or Abuse \(Procedure\)](#)

Relevant Dates and Review Period

Effective Date: 26/01/2018

Review Date: 16/02/2019

Review Frequency: Annually

Policy Basis and Implications

2. Legal Basis: Testing of Police Officers became law under The Police (Amendment) Regulations 2005, which introduced a power to test for controlled drugs the following categories of person: applicants to police forces, officers who give cause to

suspect that they have used such drugs, probationers, officers whose work involves dealing with drugs, and officers in specialist roles. In the latter case, a power to test for alcohol was also introduced. The Secretary of State was also given a power to set out in a determination the consequences of testing positive in any of those situations, and that determination is set out in Annex DD under the 2003 regulations.

Police Staff Council Joint Circular No. 51 endorses the ACPO Substance Misuse and Testing Policy and Guidance Document (September 2007), which is written to include police staff fulfilling the same criteria as above and as set out for officers in Substance Misuse Policies.

The Health and Safety at Work Act 1974 clearly states that it is the responsibility not only of the 'employer', but also the 'employee', to protect themselves and others who may be affected by their action. It is a criminal offence to put yourself and others at risk. Police Officers are now specifically covered by the Police [Health & Safety] Act 1997.

Under the Health and Safety at Work Act there is a duty to ensure a safe place of work and safe systems of work. With regard to substance misuse, this includes having clear rules about coming to work under the influence of alcohol and / or drugs, whether prescribed, over the counter or controlled substances, and about alcohol consumption or drug taking while at work. This "duty of care" extends to both the individual officer or member of staff, and their colleagues.

Nothing in this policy will prevent the exercise of statutory duties in relation to the Road Traffic Act 1988 and/or Misuse of Drugs Act 1971.

The Corporate Manslaughter Act means that a police force could face prosecution if a member of staff, officer or member of the public is killed, and it can be shown that substance misuse was a contributory factor, the force was aware and there was a gross breach of duty.

3. Management of Police Information (MoPI):

MoPI Policing Purpose:

Preserving order, Preventing the commission of offences, Bringing offenders to justice, Any duty or responsibility arising from common or statute law

MoPI Review, Retention and Disposal addressed as follows:

As per Professional Standards retention, review and disposal procedures

4. Associated Benefits:

Preserving order, Preventing the commission of offences, Bringing offenders to justice, Any duty or responsibility arising from common or statute law

5. Consultation:
- Force Executive
 - Police Federation
 - Unison
 - Superintendents' Association
 - LPT Commanders
 - Heads of Departments
 - Employee Relations Manager
 - Human Resources Managers
 - Staffordshire Association of Women in Policing
 - Multicultural Association
 - Lesbian, Gay and Bisexual Group
 - Staffordshire Police Disability Support Group
6. Financial Implications:
- Staffordshire Police already has an established Occupational Health, Safety & Welfare Unit and Professional Standards Department.

There may be additional financial implications for providing adequate screening regimes and occupational health provision should the scale of testing, drugs to tested or method of testing be amended. These will be reviewed in time accordingly.

7. Human Resources / Training: Additional training may be required for supervisors, managers and the staff involved in screening.
8. Associated Policy: Alcohol, Drugs or Substance Misuse or Abuse Procedure and Process

FOI, Human Rights and Equality Impact Assessment Indicators

FOIA:	Release to Public		
ECHR:	Compliant with proportionality test	Articles engaged:	Article 5 Right to Liberty and Security; Article 8 Right to respect for Private and Family life
EIA:	Compliant	Compliant with Code of Ethics:	Yes

Indexing

- Categories:
- Anti Corruption Unit
 - Occupational Health

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