



Fitness for Work Policy

Document Author: Employee Wellbeing Lead

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1. Introduction

As part of its obligations under the Health and Safety at Work Act (1974), Yorkshire Ambulance Service NHS Trust is committed to providing a safe and healthy work environment for all of its staff, volunteers, contractors and service users.

In addition, all employees, volunteers and contractors working on behalf of Yorkshire Ambulance Service have a personal responsibility to present themselves for work in a suitable physical and mental condition to be able to undertake their duties efficiently and safely. This not only protects them from harm but also avoids potential harm to colleagues and the patients we serve.

There are many factors that may affect fitness for work, and these can often interact with each other. These include:

- Consumption of alcohol or other drugs
- Medications
- Injury or illness (work or non-work related)
- Recreational activities and sport
- Secondary employment or volunteer activities
- Blood donation
- Fatigue
- Stress
- Mental ill health
- Personal factors
- General health and wellbeing

2. Purpose

The purpose of this policy is:

- To ensure the health, safety and wellbeing of all Trust employees, volunteers, contractors and service users.
- To ensure that employees, who may suffer from health problems that may impact their ability to carry out their role, feel supported by the organisation to be open and honest about this, and to seek appropriate assistance.
- To ensure that employees are aware of the support services they can access, and the correct procedures for accessing these services.
- To ensure that all employees are aware of the potential dangers of the factors that may influence their ability to undertake their role, and emphasise that members of staff are responsible for their own actions.
- To protect workers from the dangers associated with the factors influencing fitness for work and to encourage those experiencing difficulty to seek help.
- To ensure that the organisation is compliant with appropriate legislation relating to the management of fitness for work.
- To ensure that the organisation fulfils its legal duty of care to the entire workforce and its service users.

- To ensure that staff are aware of their responsibilities to be fit to work including those members of staff who drive as part of their duties who must also ensure that they are aware of their requirements to be fit to drive under their responsibilities under the Road Traffic Act 1988.

3. Procedures

3.1 Assessment of Fitness to Work

Immediate supervisors are responsible for initial assessment of an employee's fitness for work. If a supervisor becomes concerned about an employee's ability to safely perform their work, either through direct supervision or report, they must take prompt action.

If an employee presents to work and the manager deems that the employee is not fit to be at work then the manager should deal with this immediately. The matter should be dealt with sensitively and initially as a matter of safety rather than discipline.

The employee should be stood down from duties and a private discussion should take place to determine the cause of the problem. The formality of this meeting will be dependent on the individual circumstances i.e. if the illness or injury is obvious then a simple direction to take a break or go home on sick leave may suffice, however if the manager has reason to believe that the employee is unfit due to reasons which breach policy (e.g. intoxication) then further investigation may be necessary.

Some warning signs may include:

- Lethargy
- Obvious struggle to complete tasks
- Out of character behaviour (e.g. irritability, aggression, vagueness)
- Apparent lack of attention or concentration
- Smell of alcohol /drugs on an employee
- Obvious illness or injury (e.g. flu symptoms, limping)

If an employee attends work when they are unwell or fatigued, generally they do so because they are conscientious, not because they are trying to put anyone else at risk. The supervisor needs to make a judgement based as to the correct response based on individual circumstances.

Appropriate actions may include:

- Having the employee take a short break
- Sending, or having the employee transported home on approved sick leave
- Sending, or having the employee transported to an appropriate medical service

3.2 Consumption of alcohol or other drugs

Employees who drink excessively, or use illegal or non-prescribed drugs, are more likely to be unwell, absent from work and perform less efficiently in their job role.^{1 2 3 4} This has a potential impact, not only on the safety and wellbeing of the workforce, but also on patient care.

This policy recognises how, unless proper arrangements are in place, alcohol and substance use/misuse related issues in the workplace, can impact adversely, not only on the wellbeing of the individual, but also on the delivery of the organisation's strategic objectives, patient care, individual objectives and performance.

The Trust recognises that an alcohol and/or substance misuse problem, may be an illness and may require treatment, in the same way as any other illness. The Trust wishes to promote a fair and open culture, where staff feel that they have the freedom to request assistance if they are struggling with alcohol and/or substance use/misuse.

However, it is a fundamental principle that no member of staff should work whilst under the influence of alcohol and/or drugs.

Alcohol or substance misuse may lead to behaviour contrary to the standards of safety, performance or conduct required by The Trust.

The use of alcohol or any illicit drug is prohibited whilst on duty, representing YAS or the NHS, in work uniform, in a vehicle on Trust grounds, or on a Trust site.

Due to the complexities surrounding providing support to those with alcohol or drug related issues, detailed further information can be found in the management guidance.

3.3 Illness / Injury

3.3.1 Influenza/Contagious Illness

Influenza symptoms include fever, chills, headache, muscle aches, sore throat, stuffy or runny nose, sneezing, dry cough, tiredness and difficulty breathing. As both common colds and influenza can spread quickly, the Trust recommends that staff and managers consider the best approach to minimise the spread of infection. This may include working remotely or from home in non-operational/patient facing roles, if the individual feels they are able to continue to work.

3.3.2 Chronic/Long term Illness

Where it is identified that an employee may not be meeting the physical requirements of their role, due to chronic/long term illness, the individual

should notify the line manager at the earliest possible opportunity so that support/reasonable adjustments can be explored.

3.3.3 Injury

Where an individual has sustained an injury that may affect their ability to fully function at work, they should notify their line manager at the earliest possible opportunity.

If the injury was sustained at work, then it should be reported on Datix, and a supervisor notified immediately.

If the injury was not sustained at work, but is likely to impact on their ability to fully function at work, then it is still important to notify their line manager at the earliest possible opportunity so that any reasonable adjustments can be considered.

3.4 Medications

Members of staff who take medications to manage illness or chronic medical conditions, should do so within the advised limits, and where side effects (such as drowsiness) occur that may impair an individual's ability to undertake their role, the individual should inform their line manager at the earliest opportunity.

3.5 Recreational Sport and Activities

Whilst the Trust encourages its staff to be physically active, it is important that staff take personal responsibility for their own health and safety when taking part in recreational sport or activities. Where an individual has sustained an injury or illness as a result of taking part in sport or physical activity, that is likely to impact their ability to undertake their role, it is important that they inform their line manager and seek appropriate medical advice at the earliest opportunity.

Equally, where staff are taking part in endurance events that may cause fatigue in the following day or days, they should seek to take annual leave or arrange to swap shifts where possible, to ensure they are fully rested prior to returning to work.

3.6 Secondary employment or volunteer activities

Where staff undertake secondary employment or volunteering activities they should be in accordance with the Secondary Employment Policy. If these activities are likely to impact on an individual's performance at work, the individual must inform their line manager.

3.7 Blood Donation

While staff are encouraged to become blood and plasma donors there is a hazard associated with donating that may affect the donor for up to twenty four

hours. Loss of blood in this way may cause the donor to become dizzy and/or feel faint. It is recommended that drivers in particular refrain from this activity twelve hours following a donation; therefore employees who fall into this category should schedule their donation to allow ample time for recovery and not compromise their capacity to fulfil their work role.

For staff in other roles, staff are also advised to exercise caution following blood donations to ensure the safety of themselves and others.

3.8 Fatigue

Fatigue management is a shared responsibility between management and workers as it involves factors both inside and outside of work.

Fatigue is mental or physical exhaustion that stops a person from being able to function normally, however fatigue is more than just feeling tired or drowsy. It is normal to become tired through physical or mental effort.

Fatigue is caused by prolonged periods of physical or mental exertion without enough time to rest and recover. The level of fatigue varies and can depend on work load, length or shift, previous hours and days worked, time of day or night worked, personal commitments or demands, factors affecting sleep.

Where an individual feels they are suffering from fatigue either from work related or non-work related activity they should discuss this with their line manager, so that cause(s) can be identified, and support offered.

3.9 Stress

Stress is a feeling that is created when an individual reacts to certain events. Stress can be a positive contributor to achievement and success; however negative stress can create immediate and long term problems, with physical, emotional and behavioural issues arising. Negative stress affects how people cope with day to day life.

To help manage stress it may be helpful for an individual to talk to somebody about what is upsetting them. This may be simply managed by discussing the issue with a work colleague, your manager/supervisor or Employee Assistance Provider.

It may not be possible to entirely remove the stress, however managing stress better may help with physical strain injuries, emotional control and corresponding behavioural responses

Further information regarding the support mechanisms available can be found on the Employee Wellbeing pages of the intranet or in the Mental Wellbeing Guidance document.

3.10 Mental ill health

Mental ill health is a term used to describe a range of clinically diagnosable disorders that significantly interferes with an individual's thinking, emotional or social ability.

This includes people experiencing issues arising from but not limited to eating disorders, alcohol and drug use, sleep problems, panic disorder, depression, obsessive compulsive activities anxiety and other unexplained complaints.

If you believe you suffer from any of the above symptoms please notify your line manager and seek medical advice.

If you have been diagnosed with any illness you should advise your manager/supervisor of the nature of the illness and discuss any alternative or change in work conditions if required.

Further information regarding the support mechanisms available can be found on the Employee Wellbeing pages of the intranet or in the Mental Wellbeing Guidance document.

3.11 Personal Factors

Where an individual is experiencing difficulties outside of work (e.g. relationship issues, family illness), they should consider informing a colleague or their line manager so that support can be offered. The Trust recognises that problems outside of work can be intensely personal, and therefore only asks that staff consider seeking support from colleagues at work.

3.12 General health and wellbeing

Individuals are responsible for their own health and wellbeing, and should wherever possible maintain their own health and wellbeing in such a way that allows them to continue to perform their duties to the required standard.

As an example of this, the Trust Smoke Free Policy states that all Trust premises, grounds and vehicles are smoke free areas. Smoking can impair the physical performance of an individual, and lead to numerous health conditions, therefore the Trust seeks support those who wish to quit smoking.

In addition, the Trust promotes physical activity outside of work, and promotes healthy eating, both on its premises where food is provided, and encourages employees to eat healthily outside of work.

4.0 Identification of Support Required For Staff

- 4.1** To enable the Trust to provide support for staff who may struggle with their consumption of alcohol or misuse of drugs. The Trust will undertake some testing to identify any support that may be required.

4.2 Pre-employment testing

The Trust will inform all applicants who are likely to be offered employment, of the details set out in this policy.

Pre-employment tests will be part of a pre-arranged appointment including medical assessment. At least 1% of successful applicants will be tested annually.

4.3 Periodic testing for Drugs and Alcohol

The Trust reserves the right to periodically test 1% of all staff annually. Testing periods for each Directorate will be given to staff at the commencement of each year in order that staff members have at least 3 months' notice that they may be called for testing. Details regarding this testing will be set out in the Management guidance.

4.4 'Just cause' testing

The Trust will test staff whose behaviour gives cause to suspect that they are unfit for work due to the effects of drugs or alcohol. Staff will not be allowed to resume work until the result of the drugs and alcohol test is known.

4.5 Positive Result

Any member of staff with a positive result will be given support and advice on the use of alcohol or drugs. Each case will be considered individually depending on the level of concern.

A person who returns a positive result will be permitted to re-take the test at a later date (within 60 days) if they can satisfy the Trust that the previous positive result was not an indication of habitual and continuing abuse of drugs or alcohol.

All staff will be offered education and support for them to be aware of the effects of alcohol and/or drugs.

4.6 Ongoing Health Surveillance

Employees with an identified substance misuse problem, and in particular on return to work following periods of treatment, will be required to undertake ongoing health surveillance. Health surveillance for these identified staff may include periodic checks for alcohol, solvents or drugs including random testing. In such instances the guidance of Occupational Health or other specialist advisors will be sought as necessary.

4.7 Records, monitoring and review

Any tests results will be considered as a patient record and will be kept in accordance with the relevant legislation.

5.0 Duties Within The Organisation

5.1 Directors, Managers and Supervisors

It is the responsibility of all staff in management/supervisory positions to ensure that this policy is communicated and implemented within their area of responsibility and control.

All staff in management/supervisory positions have a duty of care to the health, safety and wellbeing of all employees of YAS.

Failure to exercise this duty of care could be classed as negligence and may result in liability, not only for the individual manager but for the entire Trust.

In a situation where a manager is made aware that a member of staff may have acted in contravention of this policy, it is imperative that the appropriate procedure is immediately implemented.

5.2 Employees

All employees are required to support this policy by ensuring that they are familiar with the content of the policy, and by complying with the protocols and procedures as laid out in the policy. Failure to comply with the policy could result in disciplinary proceedings under the Trust's Disciplinary Procedure.

Yorkshire Ambulance service expects that employees will:

- Report for work in a fit condition
- Demonstrate fitness for work upon request. An individual must, if requested, be able to satisfactorily demonstrate that they are fit for work
- Notify their manager if they believe that they may be unfit (whether wholly or partially) for work
- Inform their manager if they have a medical condition that could affect their fitness for work, and the likely impact this could have on their performance at work.
- Staff must ensure that they adhere to the Road Traffic Act 1988 and Motor Vehicles (Driving Licences) Regulations 1999 in informing the DVLA if they are unfit to drive and must be mindful of the legal framework for standards of physical and mental fitness when driving any vehicles. Staff should refer to the Trust's Driving at Work Policy.

5.3 Visitors and Contractors

Visitors and contractors should also act in accordance with this policy.

This policy also applies to those carrying out business on behalf of the Trust which is not necessarily on the Trust's premises.

Contractors, who contravene the policy, should be reported to the nominated person, responsible for monitoring the conduct of contractors on the site.

Visitors, who contravene this policy, may be asked to leave the premises immediately and will not be allowed to return without management authorisation.

5.4 Occupational Health

It is the responsibility of Occupational Health to:

- Assist with the identification of illness, or any condition that may impact on an individual's ability to carry out their duties.
- Alert managers to situations, where staff may appear to be suffering from any of the circumstances/conditions identified in this policy.
- Provide support to staff with any health related problem that may impact on their ability to carry out their role.
- Advise managers and staff, on how to support staff with any of the issues identified above.
- Advise the individual and their managers on the actions to be taken to facilitate their planned return to work.
- Assist managers with the identification of trends in relation to any of the issues identified above.
- Advise managers where there is a need for a staff member, to refrain from any aspect of work, which may cause potential risk to either the individual or any other member of staff.

5.5 Human Resources

Members of the Human Resources department have a responsibility to:

- Provide appropriate training for managers on the application of this policy as part of absence management training.
- Ensure managers are supported when carrying out procedures in relation to this policy.
- Ensure that all staff are appropriately supported, and that all employees are treated in a fair and consistent manner.
- Review and amend this policy as appropriate, in line with new legislation in consultation with Staff Side Representatives.
- Ensure that staff rights are protected under the NHS Constitution and all appropriate legislation.

6.0 Equality Impact Assessment

This policy has been equality impact assessed.

7.0 Identification of Stakeholders

This policy has Trust-wide implications. All staff are main stakeholders, as they are bound by policy and required to implement it. Directors and senior managers in operational and support service functions likely to be involved in policy development have a specific interest in its detail.

8.0 Consultation Process

This policy has been drafted in consultation with staff side representatives and approved by the Policy Progression Group (PPG) and Trust Management Group (TMG).

9.0 Process for Review and Revision

The policy will be reviewed jointly on an annual basis to ensure that, as a minimum:-

- Individual duties are defined
- The policy is communicated to all staff
- There is a process in place for managing/supporting any employee who is struggling to maintain their fitness for work
- Arrangements are in place to provide support to staff who come forward with an issue with regard to their fitness for work

10.0 Communication and Dissemination

The following communication plan will be implemented for this policy following approval:-

- The policy will be placed on the staff intranet in the appropriate section of the policy library
- The updated policy will be communicated via the Staff Update
- Managers should ensure that staff are informed via team briefs when the revised policy goes live

11.0 Implementation

HR will ensure that all new managers are trained appropriately to follow the policy and existing managers should be given refresher training when necessary

12.0 Monitoring Compliance and Effectiveness

Standard	Monitoring
Duties	<ul style="list-style-type: none"> ▪ The duties of key members of staff noted in this policy and compliance with their obligations is monitored through the PDR process. ▪ Deficiencies in the applications of and/or adherence to this policy will be reported to the JSG who will note them in their minutes together with any corrective action(s) that need to be taken to ensure compliance.

Standard	Monitoring
	Progress of these actions will be reviewed at subsequent meetings.
Process for dealing with concerns	<ul style="list-style-type: none"> ▪ Compliance with this policy will be monitored by Human Resources (HR) by recording and monitoring all fitness for work cases in line with ESR and HR reporting procedures. ▪ Actions to address and deficiencies will be noted in the minutes of the above committee meetings and reviewed at subsequent meetings.
Process to be followed once a concern has been raised	<ul style="list-style-type: none"> ▪ The HR department will review each case on an individual case by case basis. Where the process as per this policy has not been followed, HR will respond by reporting this to the appropriate operational management chain who will determine the action that should be taken. For example, if the manager requires training this will be actioned and recorded through the PDR process.
Organisations expectations in relation to staff training, as identified in the training needs analysis	<ul style="list-style-type: none"> ▪ Workforce Information will conduct an annual review of OLM to establish the numbers of staff that have attended leadership management training ▪ Training statistics will be reported to the Trust Board on an annual basis through the annual workforce report. ▪ Actions to address and deficiencies will be noted in the minutes of the above committee meetings and reviewed at subsequent meetings.

13.0 Associated Documentation

The information contained within this policy should be read in conjunction with the following:

- Fitness to Work Management Guidance
- Disciplinary Policy
- Raising Concerns at Work Policy
- Employee Wellbeing Policy
- Employee Mental Wellbeing Guidance

14.0 References

1. Ames, Grube, & Moore (1997) The relationship of drinking and hangovers to workplace problems: an empirical study. *Journal of Studies on Alcohol*, 58(1), 37–47
2. T C Blum, P M Roman, J K Martin, (1993), Alcohol consumption and work performance, *Journal of Studies on Alcohol*, 54(1), 61–70
3. National Business Group on Health, Center for Prevention and Health Services (2009), An employer's guide to workplace substance abuse: strategies and treatment recommendations
4. Prepared by Cardiff University for the Health and Safety Executive (2004) The scale and impact of illegal drug use by workers

Legislation and Guidance

Misuse of Drugs Act 1971

Under this statute, charges can be brought against an employee in possession of, or supplying, drugs at work, or against a business or its managers for allowing the possession or supply of drugs at work.

Health and Safety at Work Act 1974

Employers have a general duty under the Health and Safety at Work Act 1974 to ensure, as far as is reasonably practicable, the health, safety and welfare of employees. If an employer knowingly allows an employee under the influence of excess alcohol to continue working, and this places the employee or others at risk, then the employer is liable to prosecution. Similarly employees are also required to take reasonable care of themselves and others who could be affected by what they do.

Data Protection Act 1998

All health and medical information is sensitive personal data under the terms of this statute. All information surrounding possible drug or alcohol misuse must be handled securely and confidentially and misuse of this information is a criminal offence.

Management of Health and Safety at Work Regulations 1992

These regulations place a duty on employers to carry out assessments so as to ensure the health, safety and welfare of their employees.

Corporate Manslaughter

Business Managers who knowingly allow misuse of drugs and alcohol at work that leads to death could find themselves liable to prosecution for corporate manslaughter.

Employment Rights Act 1996

This statute gives an employee the right not to be unfairly dismissed. This claim might apply where an employer dismisses an employee in relation to a drug or alcohol offence either in inappropriate circumstances or following a defective procedure. Rights may also arise if an employer seeks to force an employee to undertake a drug or alcohol test in unreasonable circumstances.

Disability under the Equality Act 2010

Employees who are addicted to prescribed medicines are considered to have a disability for the purposes of this act (addictions to non-prescribed substances are not considered to be a disability)

Road Traffic Act 1991

This sets out the offence of driving or attempting to drive a motor vehicle while unfit through drink or drugs.

Part III of the Road Traffic Act 1988 and Part VI of the Motor Vehicles (Driving Licences) Regulations 1999 (SI 1999/2864), as amended, both as amended,

provide the legal framework for standards of physical and mental fitness to drive a vehicle

Transport and Work Act 1992

This Act makes it a criminal offence for specified jobs to be undertaken by those unfit through drink or drugs. Employers may be liable unless they can show 'all due diligence'

Human Rights Act 1998

This act covers all the individual rights contained in the European convention on human rights.

Alcohol & Substance Misuse Useful Information

Alcohol Support Agency Contact Details and useful information

DrinkAware

<https://www.drinkaware.co.uk/alcohol-support-services/>

Provides useful information and lists sources of support including Alcoholics Anonymous, Drinkline, Addaction, Al-Anon, Alcohol Concern, NHS Choices, ADFAM etc.

National Council on Alcoholism and Drug Dependence

<https://www.ncadd.org/about-addiction/addiction-update/drugs-and-alcohol-in-the-workplace>

HSE – Alcohol and Drugs at Work

www.hse.gov.uk/alcoholdrugs

<http://www.hse.gov.uk/pubns/indg91.pdf>

Substance Misuse Support Agency Contact Details and useful information

National Drugs Helpline

0800 776600

The national drugs helpline is a free and confidential service that gives help and advice about drugs and drug abuse 24 hours a day 7 days a week.

NHS Choices

<http://www.nhs.uk/Livewell/drugs/Pages/Drugtreatment.aspx>

NHS Choices provide a wide range of information and support contact details for a multitude of drug support agencies.

Confidential Employee Assistance Programme

PAM Assist 0800 8824102