RCN position statement

Mandatory drug and alcohol screening of nurses
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RCN position statement

Mandatory drug and alcohol screening of nurses

Introduction

The RCN does not support mandatory drug testing for nurses and believes that the implementation of mandatory drug testing for health care workers would have major implications with regard to civil liberties. The RCN's position mirrors the views of the British Medical Association, which is opposed to the drug and alcohol screening of doctors.

Mandatory testing, in the opinion of the RCN, tackles only the "symptoms of the problem"; it would not provide for the education or support of health care workers that abuse substances. In addition, today's tests do not guarantee reliable results while "carte blanche" screening would prove costly in terms of time, equipment, recording and follow-through.

The Nursing and Midwifery Council (NMC), the regulatory body for nurses and midwives, already provides definitive and ultimate protection to the public through its regulation of "competence" for the continued registration of nurses. The NMC's Code of Professional Conduct (2002) states that there are professional conduct implications for nurses found to be misusing substances at work. The NMC Professional Conduct Committee hears such cases and has the power to remove or suspend a nurse from the professional register, if found guilty. In addition, the NMC also seek confirmation of good character at the point of initial and periodic registration.


The RCN believes that best practice should incorporate the following:

1. an agreed policy on substance misuse that applies to all staff and which forms part of the organisation's overall health and safety policy
2. effective education and training on drug misuse for both employees and managers or supervisors
3. the provision of appropriate structures and systems for the referral of staff for treatment and rehabilitation back to the workplace
4. a clear outline of the circumstances that will lead to disciplinary action against staff.
The introduction of mandatory drug screening of nurses was debated at the RCN Congress of 2004. Congress concluded that there is a considerable volume of information which not only identifies in detail "best practice" for the occupational health management of substance abuse for employers but also clarifies the factors that impact on a health care worker's continued registration with the NMC and other relevant statutory bodies.

This review has informed the RCN Position Statement on substance misuse, which provides guidance on the sources of best practice for the management of this issue in practice.

**Literature Review**

**Department of Health**

The Department of Health's document *Taking alcohol and other drugs out of the NHS workplace* (2001), highlights that “the best way of dealing with real or potential effects of drugs and alcohol at work in the NHS is to make expert advice and help readily available”.

Its guidance is designed to provide a policy framework for dealing with the misuse of alcohol and drugs, supporting the early identification of people with problems, optimising recovery and minimising the effects on work performance and capability.

Guidance is provided on the roles and responsibilities of employers, managers, human resources and staff, alongside a comprehensive section which deals with the key elements for implementing a policy, including:

- raising awareness
- recognition of the problem
- self-referral
- criminal activity
- advice and help
- treatment and rehabilitation
- the role of the occupational health service
- capability
- representation
- implementation, monitoring and evaluation.

**Health and Safety Executive**

The HSE, in collaboration with the National Assembly for Wales, DH (England), the Scottish Executive Health Department and the Safety Executive Northern Ireland, has produced guidance on good practice which identifies the legal position in relation to substance misuse at work across the UK and includes the following position statements:
• under the Management of Health and Safety at Work Regulations (1999) employers have a duty to assess the risks to the health and safety of employees, and under Schedule 7 of the Health and Safety at Work Act (1974), employees have a duty to health and safety

• under the Misuse of Drugs Act (1971), if an employer knowingly permits, produces or supplies any controlled drugs, or the smoking of cannabis, to take place on their premises, the employer could be found guilty of committing a criminal offence

• the Human Rights Act (1998) gives the individual employee the right to privacy and confidentiality.

Recent data on the prevalence of illegal drug use among the UK working population is incorporated in its latest Research Report 193 (HSE, 2004) *The scale and impact of illegal drug use by workers*. The report includes a detailed profile of current and potential users, investigates the effect on workplace performance of illegal drugs taken out of working hours, and presents data on the association between illegal drug use and workplace accidents, injuries and human error.

The HSE states that, in the context of work, drug and other substance misuse is everyone's concern; not only does it damage the user's health, it can also increase the risk of accidents and cost employers through absenteeism and reduced productivity.

Employers are recommended to develop and adopt a substance misuse policy, in consultation with staff. The policy should aim to support affected employees rather than punish them, but should state that possession or dealing in drugs at work will be reported immediately to the police. If an employee admits to being a drug user, the policy should seek to provide support rather than simply leading to dismissal.

The HSE guidance highlights that drug testing and screening is a sensitive issue; employees may argue that their right to privacy is compromised by drug testing. While some employers have taken the decision to adopt alcohol screening, the HSE advises that employers should consider carefully what they seek to achieve with screening, what they will do with the information it generates and states that “screening by itself will never be the complete answer to problems caused by alcohol misuse”.

*The British Medical Association*

In 1998 the BMA published its report entitled *The misuse of alcohol and other drugs by doctors*. Compiled by a multi-professional working party, the report recommends that the services already in existence to support doctors with addiction problems should be publicised, strengthened and built upon.

The report aimed to achieve the following objectives:
• to prevent risk to the welfare of patients from impaired professional competence
• to raise awareness of the nature, extent, complexity and consequences of misuse of alcohol and other drugs occurring amongst doctors
• to highlight the need for education on the manifestation and presentation of drug and alcohol misuse (including denial and treatment avoidance)
• to ensure access to appropriate diagnosis and treatment services and facilities for doctors
• to highlight the need for long term rehabilitation, including training for re-entry into the medical workforce.

The National Workplace Initiative

The National Workplace Initiative aims to provide education and support for both employers and employees alike. It states that employers must have an effective and robust workplace policy in place which clearly outlines a company's rules and procedures for dealing with substance misuse. It states that "tackling substance misuse in the workplace can be a daunting and often complex process".

Across the country the National Workplace Initiative provides Drug Action Teams (DATs), and experienced trainers (connected to drug action teams) who can help to:

• train company staff in drug and alcohol issues
• advise and review drug and alcohol policies
• assess and advise individual employees for treatment
• advise companies how to promote sensible drinking.

Full information on the nearest DAT or trainers in your local region can be found at www.drugs.gov.uk/directory

The National Workplace Initiative provides a clear definition of employer and employee responsibilities. It can support businesses with establishing procedures in the workplace and assistance for employer and employee, in the event of a problem arising.

Summary of the RCN Position Statement

The RCN does not support mandatory drug testing of nurses but does endorse the identified “best practice” for the occupational health management of substance misuse.

Best practice should incorporate the following key categories and recommended actions.

1. An agreed policy on substance misuse, applicable to all staff, which incorporates:
a definition of substance abuse
outlines health care worker responsibilities, under their Professional Code of Conduct
clear identification of who will enforce policy guidelines
assurances on confidentiality and the boundaries of confidentiality
a description of the support available to employees with substance misuse problems.

2 Policies must be supported by effective education and training of both employees and managers/ supervisors:

awareness programmes should cover the professional and ethical issues relating to substance abuse and inform employees about the policy
managers and supervisors should be trained to recognise the signs of substance misuse and to refer employees to appropriate sources of confidential help and support.

3 Policies must be implemented with appropriate structures in place for referral for treatment and rehabilitation into the workplace:

access to examination, diagnosis and referral for treatment
long term rehabilitation, which may include training for re-entry into the health care workforce.

4 Policies should clarify the circumstances in which disciplinary action will be taken:

clarification of when and under what circumstances suspension may be necessary
definition of gross misconduct.

Resources

If you would like help online on writing a drugs and alcohol workplace policy, please visit: [www.businessengagement.com](http://www.businessengagement.com)

FRANK is a national helpline that offers free confidential help and information about drugs 24 hours a day. Contact FRANK online at [www.talktofrank.com](http://www.talktofrank.com) or call 0800 77 66 00.

Drinkline provides free and confidential help on any aspect of drinking, call 0800 917 8282 (Monday to Thursday, 9am-11pm, Saturday and Sunday, 24 hours).
Release is a confidential helpline offering help on drug use and legal issues, call 020 7729 9904 (Monday to Friday 10am-5pm).

DrugScope aims to advise on policy development and reduce drug-related risk. Call 020 7928 1211 or visit www.drugscope.org.uk

Adfam provides support to people working with family members who are affected by drugs and alcohol. Email: admin@adfam.org.uk, call 020 7928 8898 or visit www.adfam.org.uk

Alcohol Concern helps to tackle alcohol problems at a local level, while also working to influence national alcohol policy. Call 020 928 7377 or visit www.alcoholconcern.org.uk

United Kingdom Accreditation Service (UKAS) 21-47 High Street Feltham Middlesex TW13 4UN Tel: 020 8917 8400 Email: info@ukas.com visit www.ukas.com A laboratory accredited by UKAS will have satisfied assessors that it meets all criteria for providing drug screening test results.

Advisory, Conciliation and Arbitration Service (ACAS) Head Office Brandon House 180 Borough High Street London SE1 1LW Helpline: 08457 47 47 47 www.acas.org.uk Provides help on good employment practice including procedures to deal with drug misuse.

TACADE Old Exchange Building St Ann’s Passage Manchester M2 6AF Tel: 0161 836 6850 Fax: 0161 836 6859 Email: info@tacade.co.uk or www.tacade.com Provides help, resources, training, consultation and research on alcohol and drugs.

Free leaflets from the HSE

A range of free leaflets is available from the HSE, providing advice and guidance

- [Don’t mix it - a guide for employers on alcohol](#)
- [Drug misuse at work: a guide for employers](#)[600kb]

HSE guidance on alcohol and drugs

- [Alcohol Misuse](#)
  Key messages and information about responsibilities in relation to health and safety law
- [Drugs and other substance misuse](#)
  Key messages and information about responsibilities in relation to health and safety law
- [Drugs and alcohol testing in the railway industry](#)

HSE research
• **The scale and impact of illegal drug use by workers**
  A report prepared by Cardiff University for the Health and Safety Executive (2004)

**HSE useful links**

• [Tackling Drugs - Business engagement strategy](#)
• [Alcohol Concern](#)
• [Health Development Agency](#)
• [Health Education Board for Scotland](#)
• [Tackling Drugs to Build a Better Britain - Government prevention strategy](#)
• [Drugscope](#)

**References and bibliography**


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