

Report To: Cabinet

Date: 8th September 2016

Report Title: Alcohol, Drugs and Substance Misuse Policy

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Portfolio Holder: Cllr Callum Knowles – Information, Technology & Communications



Summary:

The Council currently deals with issues related to alcohol, drug and substance misuse through the Council's Disciplinary Rules and Sickness Policy.

However, the introduction of a specific policy that sets out clear standards and expectations will (1) form part of the Council's wider approach towards promoting employee wellbeing and (2) ensure that the Council mitigates any health and safety risks to the public, to service users and to employees themselves.

Recommendations

Cabinet are asked to:

- i. Agree the new Alcohol, Drugs and Substance Misuse Policy.**
- ii. Agree the introduction of alcohol/drug testing for employees in Safety Critical posts on health and safety grounds.**
- iii. Heads of Service to be given delegated authority to designate a post as Safety Critical within their service under the Council's Alcohol, Drugs and Substance Misuse Policy, after consultation with the relevant Corporate Director and the Director of Law and Governance and the HR Manager.**

Policy Overview

The aim of this policy is to promote wellbeing and ensure the safety of employees, workers, service users and members of the public by having clear rules in place regarding the use and possession of alcohol and drugs, and to support those who have reported a problem with alcohol or drug dependency.

Financial Implications:

Services with employees in Safety Critical roles (initially those posts within the new grounds maintenance team who are responsible for operating dangerous machinery and then across all services within this financial year) may implement arrangements for dealing with alcohol, drug or substance misuse which may include screening and detection, conducting searches and/or random drug/alcohol testing. The costs of implementing such arrangements would need to be met from existing budgetary provisions.

The policy also states that the Council will offer reasonable support

for an employee with a dependency who seeks help. The costs of this will be met from within existing budgetary provisions.

Costs are approximately £80 per test (per person) although bulk costs are being further identified.

Risk Assessment Yes.

Community Impact Assessment Yes.

Other Material Implications: None.

Exemption Clauses: None.

Background Papers: September 2015 Cabinet Paper 'Landscape Management: Improving Presentation of the Borough; Creating an In House Service'

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Purpose of the Report

1. To provide the Council with a policy that sets out clear standards and expectations to promote employee well-being and to ensure that the Council mitigates any health and safety risks to the public, to service users and to employees themselves as the result of Alcohol, Drugs and Substance Misuse.
2. This report seeks approval of the new Alcohol, Drugs and Substance Misuse Policy (Appendix 1) and outlines the new policy which includes additional restrictions for those in Safety Critical roles (initially for those posts within the new grounds maintenance team who are responsible for operating dangerous machinery).
3. Fundamental to the policy is the introduction of alcohol/drug testing for employees in Designated Safety Critical posts on health and safety grounds following the agreement of the Corporate Director (Law and Governance) the relevant Head Of Service, following liaison with the HR Manager and proper consultation with unison and the affected employees.

Background

4. The Council is committed to the well-being of its employees and demonstrates this commitment on an ongoing basis.
5. The Council currently deals with issues related to alcohol, drug and substance misuse through the Disciplinary Policy, Sickness Policy and Welfare Policy (referred to in the Conditions of Service). Service users and members of the public have a right to expect that Council employees are not under the influence of alcohol or drugs whilst carrying out their duties.
6. Consultation with the group of employees transferring to the Council as part of the new in-house grounds maintenance service includes information regarding the introduction of appropriate drug and alcohol testing. Consultation, in accordance with TUPE regulations, is ongoing and following formal consultation meetings the affected employees have not expressed any concerns over the proposed testing.

Policy Outline

7. The policy provides guidance and a procedure for the Council, as the employer, for the employee and others working for the Council (as set out within the scope of the policy) to follow in cases of alcohol and substance misuse.
8. The policy will enable the new in-house grounds maintenance service, and other services where Designated Safety Critical posts are identified in the future (within this financial year), to implement appropriate alcohol/drug testing for employees following proper approval and consultation.
9. The policy includes additional restrictions for employees in designated Safety Critical roles including no consumption of alcohol during their normal working hours, including breaks.
10. It is recognised that some employees may have a dependency on alcohol and/or drugs. The policy outlines the Council's duty of care as an employer to provide reasonable support to employees, where appropriate, should they seek help to overcome this dependency.

11. Notwithstanding the above, the policy makes it clear that breaches of policy, particularly where the safety and security of service users and the public is compromised, could lead to disciplinary action up to and including dismissal.
12. The Council also expects agency and casual workers, consultants, contractors, volunteers and others working on its behalf to adopt the standards outlined within the policy, which should be referred to as part of their induction.

Risk Assessment

13. The proposed policy provides guidance and a procedure for the Council, as the employer, and the employee and others working on its behalf as set out within the scope of the policy of this report to follow in cases of alcohol and substance misuse. Failure to follow a fair dismissal process can potentially result in the Employee being able to claim unfair dismissal or discrimination in the workplace. The Policy has taken in to account relevant legislation including, Misuse of Drugs Act 1971, Health and Safety at Work Act 1974, Management Of Health & Safety At Work Regulations 1999, Road Traffic Act 1988, the Data Protection Act 1998 and the Psychoactive Substances Act 2016.
14. The operation of the policy needs to take into account the Human Rights Act 1998. Article 8 is the right to respect for private and family life home and correspondence. It should be noted that Article 8 is a qualified right, so in certain circumstances public authorities can interfere with the private and family life of an individual. These circumstances are set out in Article 8(2). Such interference must be proportionate, in accordance with law and necessary to protect national security, public safety or the economic wellbeing of the country; to prevent disorder or crime, protect health or morals, or to protect the rights and freedoms of others.
15. In determining a Designated Safety Critical post it is therefore important to balance the requirements of the Human Rights Act with other safety legislation to ensure that Designated Safety Critical posts are truly 'safety critical' otherwise these are likely to be the subject of challenge. A draft risk assessment is attached in Appendix Two to demonstrate the process to be followed in identifying whether a post is Safety Critical. Other potential roles which could be classed as Safety Critical involve the driving of vehicles and operation of machinery, working at heights, working with children and adults at risk where the employee assumes responsibility for the child/adult's safety.
16. It is also important to apply the procedure fairly and consistently (and in particular in relation to relevant drug testing) with due regard to protected characteristics under the Equality Act 2010.
17. It is important to ensure that proper consultation takes place regarding testing for designated Safety Critical posts and that contractual paperwork reflecting the requirement for testing is in place (new and existing staff).
18. The risk of litigation may remain if staff do not wish to accept the proposed changes but the Council may mitigate the prospects of this materialising by adopting a fair and reasonable consultation process, to negotiate an agreement that complies with current employment legislation, and then enters into binding agreements with staff individually to effect the changes agreed.
19. Inconsistent and incorrect application of the Policy could result in employee relations issues arising and possible discrimination claims being brought against the council.

Handling

20. An initial draft of the policy attached at Appendix One went to JCC on 7th July (version available on request) and was discussed. The JCC minutes reflect the key matters raised namely:

- widening the scope of the policy regarding random drug testing to all posts rather than just those that are designated as safety critical,
- providing a clearer definition of what it means to be under the influence of alcohol,
- determining how a post is designated as Safety Critical,
- providing further information about prescription drugs (resolved in the meeting),
- initial comments were raised by Unison regarding the reasonableness of potential action over a potentially minor matter such as possession of a bottle of wine purchased at lunch time (for non safety critical posts),
- initial comments were raised by JCC Staff Side regarding whistleblowing and how safety critical posts are defined.

It was agreed for the HR Manager to:

- obtain further legal advice regarding the lawfulness of drug testing for all employees
- provide a clearer definition of 'under the influence' now added at 5.1 in Appendix One and highlighted to the OMT for specific consideration.
- Make minor amendments to the policy around minor matters referred to above (20).
- Produce a draft risk assessment for designating a post as Safety Critical (Appendix Two)

21. Further legal advice has been obtained. Relevant issues arising from the advice are:

- a. the processing of records associated with drugs testing constitute sensitive personal data under the Data Protection Act 1998 and therefore necessitates explicit consent from the employee before it can be processed.
- b. Article 8 of the Human Rights Act 1998 regarding the right to privacy requires justification for drugs testing and such justification could include on the grounds of public safety concerns.
- c. Unjustified drug screening could be relied upon by an employee as representing a breach of trust and confidence and potentially provide the grounds for a constructive dismissal claim.
- d. The implementation of random testing in posts that are not designated as safety critical would be problematic as, should an employee decline their consent, the Council would be powerless in enforcing the test as it would not constitute a reasonable management instruction.
- e. 'for all these reasons, a random screening for all employees in all job roles is not advisable, or considered best practice'.

22. The draft policy document that was presented to the JCC has been revised to reflect the legal advice and the revised policy is attached in Appendix One.

23. Grounds Maintenance staff are being consulted with about the proposed testing at present. Current testing provisions are not in place but it is important to note that quality is a critical element of the in house Grounds Maintenance service going forward. Furthermore, and most importantly, the requirement for appropriate testing is in the best interests of the health and safety of our employees and the public to ensure that employees are operating dangerous machinery in a safe manner.

24. There has been a clear consultation process to ensure all transferring employees are aware of the implications of this policy/testing and other measures associated with the transfer.
25. Going forward employment contracts for new employees in Designated Safety Critical posts will incorporate the new requirements including testing. Job Descriptions/Person Specifications will be amended as necessary.
26. Drug and alcohol awareness campaigns are recommended as part of the introduction of this policy and as part of the Council's wider approach to promote well-being.

Community Impact Assessment

27. No adverse impact is anticipated on any particular group with a protected characteristic. However, managers, with support from the Personnel Team, will need to ensure that the application of alcohol and drug testing for employees avoids discrimination.

Consultation

28. Unison and the JCC have been invited to provide feedback on this new policy.
29. Staff side feel that, based on their research, all employees can not be tested without justification which they do not feel we have. They also wished to understand further the process for designating a post as safety critical.
30. Unison have provided the following feedback ' we are content with the legal stance (in the JCC version of the policy) and accept the reasons for this to be introduced. As discussed with the HR Manager if the need should arise this can be reviewed in the future to include other staff if necessary.
31. Heads of Service are required to consider other Safety Critical posts with a view to put in place a plan for implementation of all appropriate consultation by the end of the financial year.
32. JCC approved the report and policy on 31st August 2016.

Conclusions

33. The introduction of a Grounds Maintenance Service will require the use of heavy machinery and equipment where, if used incorrectly, can put the employee and the public at risk of harm.
34. We have a responsibility to set out the standards expected of our staff, as well a need to be able to act appropriately if there is a concern. Introducing a policy that sets out clear standards and the support that the employee can reasonably expect will ensure we have a fair, consistent and sensitive way to deal with safety issues caused by alcohol or drug misuse.

Portfolio Holder's Views

35. Portfolio Holder's comments to be advised at the meeting.

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APPENDIX ONE – Alcohol, Drugs and Substance Misuse Policy

1. Introduction

- 1.1. The Council is committed to providing a safe, healthy and productive work environment in which all its employees are fit to carry out their jobs safely and effectively.
- 1.2. The inappropriate use of alcohol or drugs can damage the physical health, mental health and well-being of employees and have far-reaching effects on their personal and working lives. At work, alcohol or drug misuse can result in reduced levels of attendance, substandard work performance and increased health and safety risks not only for the employee concerned but also for work colleagues, service users and members of the public.
- 1.3. Service users and members of the public have a right to expect that Council employees are not under the influence of alcohol or drugs whilst carrying out their duties. The Council will not tolerate this behaviour from employees and will act promptly to deal with any situation where this occurs.
- 1.4. Employees who consume alcohol or use drugs whilst on Council business or who are under the influence of alcohol or drugs whilst at work will be subject to the Council's disciplinary procedures.
- 1.5. The Council recognises the right of all employees to a private life and to follow social and leisure activities of their choice. However, these must not impinge on work performance or compromise health and safety whilst at work.
- 1.6. The Council recognises that an employee may have a dependency on alcohol or drugs and that this may be a medical condition. The Council further recognises the link between mental health and alcohol, drug and substance misuse. In such cases, the Council will offer reasonable support to the employee to assist them in addressing their dependency. Notwithstanding this, if performance, attendance or behaviour is unacceptable, and breaches of this policy occur, irrespective of any support and assistance that has been provided or can be offered, this may result in disciplinary action and ultimately dismissal.
- 1.7. Employees in Designated Safety Critical roles, appropriately determined and following proper consultation, are subject to testing provisions and additional restrictions on the consumption of alcohol.

2. Scope

- 2.1 This policy applies to employees at all levels of the Council.
- 2.2 The Council also expects agency and casual workers, consultants, contractors, volunteers and others working on its behalf to adopt the standards outlined within this policy, which should be referred to as part of their induction. Any breaches will be investigated by the service and the nominated officer responsible for the contract/working arrangements and may lead to the working arrangements being terminated.
- 2.3 The policy covers the use and misuse of substances, which include alcohol, solvents, legal and illegal drugs (including so-called "legal highs"), prescription and over-the-counter medicines and other substances that could adversely affect work performance and/or health and safety. Possession of drug associated paraphernalia is also covered within the scope of this policy.

3. Legislation

- 3.1 **Misuse of Drugs Act 1971** is the principal legislation for controlling drugs and covers almost all drugs with the potential for dependency or misuse. The Act makes the possession, supply and production of controlled drugs unlawful.
- 3.2 **Health & Safety at Work Act 1974** places a statutory duty on employers to ensure the health, safety and welfare of their employees, including the provision of a safe and risk-free working environment and systems of work. Employees also have a duty to take reasonable care for themselves and for the health and safety of others who might be affected by their acts or omissions at work (including colleagues, service users and members of the public). If an employer knowingly allows an employee to continue working if they are affected by drugs or alcohol and their behaviour places the employee or others at risk, the employer could be liable for prosecution and/or civil proceedings.
- 3.3 **Management of Health and Safety at Work Regulations 1999** states that an employer has a duty to assess risks to the health and safety of its employees, and to put in place effective health and safety arrangements and training. Employees have obligations to report any work situation which presents a serious danger to health and safety or amounts to a shortcoming in the employer's health and safety protection.
- 3.4 **The Road Traffic Act 1988** establishes a number of criminal offences involving the consumption of alcohol or drugs and the driving of motor vehicles. These offences include driving or attempting to drive a motor vehicle on a road or other public place when unfit to drive through drink or drugs, driving a motor vehicle with alcohol concentration above prescribed limits and driving a motor vehicle with the concentration of a specified controlled drug above specified levels..
- 3.5 **The Data Protection Act 1998** refers to all health and medical information about an individual as 'sensitive personal data' and accordingly all information concerning possible drug or alcohol misuse must be handled securely and confidentially and in accordance with this legislation.
- 3.6 **The Human Rights Act 1998 (Article 8)** describes the right to respect for private and family life. It is a qualified right, so in certain circumstances public authorities can interfere with the private and family life of an individual. Such interference must be proportionate, in accordance with law and necessary to protect national security, public safety or the economic wellbeing of the country; to prevent disorder or crime, protect health or morals, or to protect the rights and freedoms of others.
- 3.7 **The Psychoactive Substances Act 2016** makes illegal the production or supply of so-called "legal highs", defined as substances which are capable of producing a psychoactive effect in a person who consumes them.

4. Employees in Designated Safety Critical posts

- 4.1 Heads of Service are responsible for identifying employees within their service who are in a Designated Safety Critical role.
- 4.2 Services with employees in Designated Safety Critical roles may implement additional arrangements for preventing and dealing with alcohol, drug or substance misuse.

These arrangements may include:

- Specific workplace rules related to the job/service
- Conducting searches (e.g. of lockers, desks, bags, clothing, vehicles)
- Arrangements for drug/alcohol screening and testing. This may be a rolling programme of random drug testing and/or “with cause” testing, i.e. where there is reasonable cause to suspect that an employee has been under the influence of drugs or alcohol at work or that their work has been affected by drug or alcohol misuse.

4.3 Services which wish to designate a post as a Designated Safety Critical post and implement alcohol/drug testing must complete a number of actions first, as outlined below:

- Identify which posts are safety critical, which will normally include posts which involve the operation of machinery, driving vehicles or working at heights and other posts where working under the influence of drugs or alcohol could cause injury to themselves or others.
- Carefully consider the rationale for this designation and undertake a risk assessment.
- Any proposals for a post to be Designated as Safety Critical must be authorised by a Head Of Service in consultation with their Corporate Director and the Corporate Director for Law and Governance, following liaison with the HR Manager.
- If new employees are to be subject to random testing this must be clearly indicated in their employment contract.
- If current employees are Designated as Safety Critical and subject to testing clear and proper consultation must take place involving Unison and the affected employees with a view to agreed variations to their employment contracts.
- If new employees commence employment in Designated Safety Critical roles which are subject to testing, clear and proper information regarding this matter must be communicated to them at the recruitment stage and also included in their contract of employment.
- Employees should be given written guidance on how the arrangements (e.g. random testing) will operate. (example at Appendix Three).
- All testing will be carried out at an external UKAS accredited laboratory and arranged by the Personnel department.

4.4 Employees in Designated Safety Critical roles are prohibited from consuming alcohol at any time during their normal working hours, including breaks.

5. Consumption/Use of Alcohol/Drugs Other Substances

5.1 Employees are expected to report for work and remain, throughout the working day, in a fit and safe condition to undertake their duties and not be under the influence of alcohol or drugs or other substances i.e. not have taken illegal drugs at all OR not be impaired by the

consumption/use of alcohol, drugs or substances as outlined in the scope of this policy. Employees must not be over the legal driving limits if they are required to drive.

5.2 Employees are expressly instructed not to be under the influence of alcohol, drugs or other substances when driving in the course of their duties. See section 7 below.

5.3 Employees must not consume alcohol or drugs or misuse other substances:

- On Council premises
- Whilst engaged on Council business at any time

Note: this does not include drugs prescribed for the employee or over-the-counter medicines used for their intended purpose (in accordance with the instructions given by a GP, pharmacist or manufacturer) and where the safety of the individual or others with whom they come into contact is not compromised.

5.4 Following prior approval from their Head Of Service employees may be permitted to consume a small amount of alcohol at a Council arranged social function. Where employees attend external work-related functions or work-related social events, whether during or outside normal working hours, they are expected to demonstrate responsible behaviour and to act in a way that will not have a detrimental effect on the Council's reputation.

5.5 Employees are expressly prohibited from possessing, storing, trading or selling drugs, other substances or drug associated paraphernalia whilst on Council premises (including vehicles) or whilst engaged on Council business at any time.

5.6 Employees are expressly prohibited from possessing, storing, trading or selling alcohol whilst on Council premises save as in exceptional circumstances and as agreed by the relevant Head Of Service. Employees are permitted to store alcohol purchased in a shopping trip during a work break and intended for consumption after the end of the working period, e.g. a bottle of wine purchased at lunch time for consumption that evening.

5.7 Undertaking any of the above whilst carrying out Council authorised work constitutes gross misconduct, which may lead to dismissal.

6. Prescription Drugs and Other Medication

6.1 Certain medicines available either with or without a prescription can affect an employee's ability to perform their work activities effectively and safely. Employees should inform their GP or pharmacist of the work they do and seek advice on possible side effects.

6.2 Employees should inform their manager of any drugs or medication they are taking, which is likely to affect their ability to carry out their duties effectively and safely. Where there are known and likely side effects that may affect work performance (for example operating machinery or driving) the manager should prohibit, restrict or re-allocate duties as appropriate and following liaison with the Personnel team.

6.3 Similarly, employees who experience side effects as a result of taking prescribed or over-the-counter medicines that impair or may impair their ability to perform their duties safely and satisfactorily must notify their line manager immediately.

6.4 It is recognised that some prescription drugs can be addictive. In such cases, the Council may

offer reasonable support in line with this policy, where appropriate and practicable.

7. Driving

- 7.1 The Road Traffic Act 1988 states that any person who, when driving or attempting to drive a motor vehicle on a road or other public place, is unfit to drive through drink or drugs, or with alcohol or drug concentrations above specified limits, shall be guilty of an offence.
- 7.2 It is expressly prohibited for employees to drive a Council vehicle or their own vehicle whilst on Council business whilst under the influence of alcohol and/or drugs or with alcohol or drug concentrations above specified legal limits.
- 7.3 If an employee receives a driving ban for driving under the influence of drugs or alcohol (or an associated offence) and they are required to drive in the course of their normal duties this matter will revert to the Capability Policy or the Disciplinary Policy for consideration which may result in dismissal.

8. Support for Employees with an Alcohol/Drug/Substance Dependency

- 8.1 Where an employee voluntarily seeks help and support for alcohol, drugs or substance dependency, the manager must:
 - Hold an informal meeting with the employee to ascertain the nature of the problem
 - Seek Occupational Health advice as appropriate
 - Provide reasonable support to assist the employee with rehabilitation, which may include a temporary adjustment to their duties
 - Agree a plan to monitor and improve performance/conduct and confirm this in writing.
- 8.2 Employees should be encouraged to make use of the Council's free 24 hour Employee Assistance Programme 0800 030 5182. This is operated by a third-party organisation and is completely confidential. An additional list of specialist external support agencies is given in Appendix 1
- 8.3 Where an employee accepts help (e.g. for counselling, treatment or rehabilitation) this should take place outside of working hours. Where this is not possible, the employee will be required to take annual leave, flexi-leave or unpaid leave. Any agreed treatment will be for a finite period, where resources allow and where service levels can be maintained.
- 8.4 Employees are expected to co-operate with any support and assistance provided by the organisation to address an alcohol or drug misuse problem.
- 8.5 Confidentiality will be respected as far as is legitimately and legally possible. However, it may be necessary for information concerning the employee to be shared with others, (for example Occupational Health), with the employee's agreement.
- 8.6 If work performance, attendance or behaviour is unacceptable, and the employee breaches this policy, irrespective of any reasonable support and assistance that has been provided or

can be offered, this may result in disciplinary action up to and including dismissal.

- 8.7 Employees who have concerns about a colleague's behaviour or performance being affected by an alcohol or drug-related problem should encourage them to seek assistance through their manager or through Personnel. Employees are encouraged not to cover up a genuine concern they may have about a colleague who they believe to be misusing drugs or alcohol or whose work or behaviour is suffering as a result of an alcohol or drug-related problem. In such circumstances, if the colleague is not willing to seek assistance, employees are encouraged to speak to their line manager (alternatively to Personnel) in the best interests of the health and safety of all.
- 8.8 The Council will provide training, in particular to managers, to develop awareness of the dangers of alcohol, drug and substance misuse as part of its health improvement and wellbeing initiatives. This training will include the impact and linkage with mental health, recognising signs of misuse and understanding why staff may be reluctant to talk about their dependency or usage.

9. Dealing with Breaches of Policy

- 9.1 Employees who are in breach of this policy will be subject to disciplinary action. Each case will be considered on its individual merits and factors such as previous conduct, and any mitigating circumstances will be taken into account.
- 9.2 Where a manager becomes aware, or has grounds for concern, that an employee may be misusing alcohol, drugs or other substances they should seek advice from Personnel on the approach to be adopted.
- 9.3 Managers are expected to deal promptly with any breaches of this policy, including carrying out investigations and instigating the Council's Disciplinary Policy where appropriate.
- 9.4 An employee may be asked, as part of a disciplinary (or accident) investigation, to agree to drug or alcohol testing. If they are not in a Designated Safety Critical post they are under no obligation to agree to this request and the investigation will be concluded based upon the information available. A refusal to participate in drug or alcohol testing following request may be taken into account in determining the outcome of the investigation. Employees in Designated Safety Critical posts are required to comply with all requests for drug or alcohol testing.
- 9.5 If it is apparent that an employee is under the influence of alcohol or drugs, or there are grounds to believe that they are, the Council reserves the right to take immediate action to minimise any risk to the employee, their colleagues, service users and members of the public; see 9.6 below.
- 9.6 Depending on the nature of an employee's work role and the severity of any risk they pose to themselves or to others, a manager may do any of the following:
- Instruct an employee to stop work immediately
 - Transfer the employee temporarily to low risk duties, and arrange for a colleague to cover for them
 - Instruct the employee to leave the workplace and suspend them on full pay whilst an investigation is carried out. Advice should be sought from Personnel before instigating a

suspension.

10. Confidentiality

10.1 Any record of treatment or testing will remain strictly confidential between the employer, the UKAS provider and the employee, unless agreed otherwise. All information will be handled sensitively and only used for its proper purpose and in line with the Data Protection Act 1998.

11. Monitoring and review of policy

11.1 Personnel will be responsible for monitoring the following:

- The number of Designated Safety Critical posts
- The number and type of alcohol/drug tests carried out
- The results of tests
- The reason for the test (e.g. post incident “with cause” tests or random tests on Designated Safety Critical post-holders)
- Equality data concerning disciplinary cases and alcohol/drug tests, including: grade, gender, ethnicity, age, disability and other protected characteristics.

11.2 The application of this policy will be monitored and the policy will be reviewed on a regular basis to take account of operational experience, best practice and legislative changes.

12. Further Support

Further support may be obtained from the following external bodies

- Kent Council on Addiction (KCA) 0300 123 1186
- Turning Point www.turning-point.co.uk
- Addaction www.addaction.org.uk 020 7251 5860
- Alcoholics Anonymous 0845 769 7555 (National help-line) www.alcoholics-anonymous.org.uk
- Al-Anon Family Groups 020 7403 0888 (10am-10pm confidential help-line) www.al-anonuk.org.uk
- Drinkline 0800 917 8282 (Available 24 hours, seven days a week.)
- FRANK campaign helpline 0800 776 600 (Available 365 days a year, 24 hours a day) www.talktofrank.com

13. Further Information

For information on related matters please refer to the following policy documents contained within the Conditions of Service.

- Welfare Policy
- Sickness Policy
- Stress at Work Policy Statement and Code Of Conduct
- Disciplinary Procedure

APPENDIX TWO

ASSESSMENT DOCUMENT TO DESIGNATE A POST AS SAFETY CRITICAL

JOB TITLE		SERVICE	
POST NUMBERS		DATE	
COMPLETED BY		SIGNATURE	

Carefully consider the rationale for designating the post as safety critical by first undertaking a risk assessment as detailed below.

Consider the key tasks and duties that are completed by post holders in this role (based on the job description) and the impact that impairment (due to alcohol, drugs or substance misuse) could have.

The HSE publication Drug Misuse At Work INDG91rev2 states that 'there may be a case for considering the introduction of screening, particularly in certain critical jobs (e.g. staff who have responsibility for making safety-critical decisions such as drivers, pilots and some machinery operators) in which impairment due to drugs could have disastrous effects for the individual, colleagues, members of the public and the environment'.

Key Task / Duty	What are the hazards?	What is the impact of a potential impairment of the post holder due to alcohol, drug and substance misuse?	Who might be harmed and how?	What is already being done to control the risk?	Do you need to do anything else to control this risk?

Rationale (please detail below a summary of the risk assessment as a rationale for the designation of this post as Safety Critical)

Comments from Corporate Director	Comments from Corporate Director Law and Governance
Name	Name
Signature	Signature
Date	Date

Further information Further information on the impact of alcohol, drug and substance misuse can be found on the HSE website and within the following publications; Don't mix it a guide to employers on alcohol at work – INDG240, Drug Misuse At Work INDG91rev2.

APPENDIX THREE

EXAMPLE WRITTEN GUIDANCE

Further to proper consultation which has taken place with you and your colleagues regarding the Safety Critical nature of your post, I write to confirm that your post of XXXXX has been designated as Safety Critical.

Please see attached a revised job description and person specification which confirms this element to your post.

I write to confirm that with effect from DATE you are required to participate in a regular random drugs/alcohol testing.

You will be given advance notice of this testing and testing will take place within your normal working hours.

An appointment for your test will be made at UKAS approved drugs testing centre with SUPPLIER NAME. A location map is enclosed for your reference.

You have been verbally notified of this appointment by your manager.

The test is called a Full Laboratory Test and involves a urine test for illegal drugs and alcohol. During the appointment you can expect to select your own testing pack (random selection) and complete a consent form with a trained nurse.

Please find enclosed an example of the consent form that you will need to complete (*not included within this report*). You will be required to give a urine sample. The sample will be provided into a sealed container and, if you require a B sample, the sample will be split (in front of you) and one half frozen.

If you are unhappy with the outcome of the test (A sample), you can request access to your B sample and another UKAS approved test supplier to conduct a test on your B sample.

The sample (A sample) will be transported to the UKAS laboratory for testing according to the consent form that you have signed. Upon arrival the samples will be checked for tamper and then processed using EMIT (Enzyme Multiplied Immunoassay Technique) testing in the first instance and then any non-negative results will be processed for GC-MS (Gas Chromatography Mass Spectrometry) confirmation using UKAS agreed cut off levels. The report will be issued to the Council directly by SUPPLIER NAME upon receipt of the laboratory result, approximately 48 hours after your appointment.

The result will show a negative result or a positive result. Personnel will advise you of the result as soon as possible.

It is important that you take with you to the test photographic ID. You should also take with you to the test any medication that you are taking, any outpatient appointment cards or appointment letters from hospitals. In addition, if you wear glasses, contact lenses or a hearing aid please ensure you have these with you at your appointment.

If you have any further questions about the testing please speak to any member of the Personnel team.