



DRUGS AND ALCOHOL POLICY

DOCUMENT CONTROL

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This document requires the following committee approvals:

Committee	Date of approval
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DOCUMENT DISTRIBUTION

This document will be distributed to all employees of Cherwell District and South Northamptonshire Council.

REVISION HISTORY

Version	Revision date	Summary of revision
1	Dec 2014	Aligning both SNC and CDC Drugs and Alcohol Policies together.

CONTENTS

Section	Title	Page
1	Policy Statement	4
2	Introduction	5
3	Drugs	5
4	Alcohol	7
5	Role of Management	8
6	Role of Employees	8
7	General Procedures	9
8	Testing	10
9	Refusal to take a Test	11
10	External Contractors and Agency Workers	11
11	Employee assistance	12

1 Policy Statement

- 1.1 Cherwell District and South Northamptonshire Council recognise that alcohol and drug related problems are an area of health and social concern. It also recognises that an employee with such problems needs the help and support from his / her employer.
- 1.2 This policy covers both legal and illegal drugs and applies to all employees including volunteers, contractors and agency staff.
- 1.3 This policy sets out rules regarding the use of intoxicating / illegal substances so that employees are made aware of the likely consequences in relation to their employment if they misuse them. New and current employees will have access to this policy.
- 1.4 The Councils' main concern with the use of alcohol and/or drugs by any of its employees will be when this has a detrimental effect on work performance, or is, or may be, prejudicial to the safety of the individual, other employees or members of the public while the employee is conducting Council business.
- 1.5 Both Councils have a responsibility to its employees and customers to ensure that any risk is minimised. Both Councils operate a zero tolerance stance to the misuse of illegal drugs and alcohol consumption (which is above the legal limit) therefore, employees must not come to work or undertake any work in an unfit state through drugs misuse or alcohol. This is particularly important if those employees who occupy a safety critical role (as defined below).
- 1.6 A **safety critical role** is one in which the post-holder is required to perform duties which are directly related to:
 - the safe operation of a piece of equipment or a vehicle or security of premises, handling of chemicals
 - supervision of children or vulnerable adults
 - drives / works on the highway, at height or in confined spaces
 - dealing face to face with members of public / partner agencies

If any of the above are not performed properly, it may result in a serious safety risk or environmental hazard to employees, premises or to the general public.
- 1.7 The above definition includes any employee who drives or may be expected to drive a Council vehicle or their own vehicle while undertaking their Council duties.
- 1.8 An employee who is responsible for supervising employees, who perform safety critical duties, shall also be considered as occupying a safety critical position. All customer facing posts will be deemed to be safety critical due to the responsibility an employee has for a customer when on or off Council premises.

- 1.9 Employees with drinking and/or drug problems should comply with the Law and are encouraged to seek help voluntarily before their job performance is affected.
- 1.10 Confidentiality will be maintained at all times subject to the requirements of the procedures and within the framework of current legislation.

2 Introduction

- 2.1 The Head of Transformation is responsible for the overall administration and implementation of this Policy.
- 2.2 Inappropriate drinking and/or drug misuse can have a detrimental effect on the following at the workplace:-
 - impaired job performance
 - a deterioration in relationships with colleagues, managers and customers
 - serious breach of Health and Safety rules at the workplace
 - absenteeism and poor time keeping
 - bad behaviour, poor discipline and sudden mood changes
 - adverse effect upon Council reputation and customer relations
 - decision making

3 Drugs

- 3.1 Drugs misuse at work is illegal and a serious issue which requires a positive management approach when identified and suspected within the workplace. It is difficult to determine how long a particular drug will stay in a system simply because everyone is different. There are numerous variables that determine drug duration including, metabolism, hydration, body mass, and amount and frequency of use. (see chart below), for example detectable times for common drugs are listed below:-

Cannabis (see chart below) 2 days -11weeks
 Cocaine 2 days – 30 days

Cannabis Detection Time Chart

1 time only	5-8 days
2-4 times per month	11-18 days
2-4 times a week	23-35 days
5-6 times per week	33-48 days
Daily Usage	49-90 days

- 3.2 Drugs can affect the brain and the body in a number of ways. They can alter the way a person thinks, perceives and feels, and this can lead to either impaired judgement, concentration and a delayed response when driving. Drug misuse can also bring about the neglect of general health and well-being. This may adversely influence performance at work, even when the misuse takes place outside the workplace.
- 3.3 Signs of drug misuse which you might look for include:
- sudden mood changes
 - unusual irritability or aggression
 - a tendency to become confused
 - abnormal fluctuations in concentration and energy
 - impaired job performance
 - poor time-keeping
 - deterioration in appearance and cleanliness
 - increased short-term sickness absence
 - a deterioration in relationships with colleagues, customers or management
 - dishonesty and theft (arising from the need to maintain an expensive habit)
- 3.4 All the signs shown above are not exhaustive and may be caused by other factors, such as stress and therefore should be regarded only as indications that an employee may be misusing drugs.
- 3.5 Both Councils have a general duty under the Health and Safety at Work Act 1974 (HSW Act) to ensure, as far as is reasonably practicable, the health, safety and welfare at work of its employees. If the Council knowingly allows an employee under the influence of drug misuse to continue working and his or her behaviour places the employee or others at risk, the employing Council could be prosecuted. Employees are responsible to take reasonable care of themselves and others who could be affected by what they do at work.
- 3.6 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 shall be guilty of an offence following testing at the roadside. An offence is also committed if a person unfit through drink or drugs is in charge of a motor vehicle in the same circumstances.
- 3.7 The Misuse of Drugs Act 1971 makes the production, supply and possession of these controlled drugs unlawful except in certain specified circumstances (for example, when they have been prescribed by a doctor). The penalties for offences involving controlled drugs depend on the classification of the drug.
- 3.8 The employee has a legal duty to inform the DVLA about any drug use, drug dependency or medical condition they may have that could potentially affect safe driving. If the DVLA decides to revoke an employee's licence this will mean the employee, if occupying a role where the requirement is to drive on Council business, may not be able to carry out their role fully. If this occurs the Council will look to

manage this employee through its (dependent upon circumstances) Capability, Sickness or Disciplinary Policy in a fair and consistent manner.

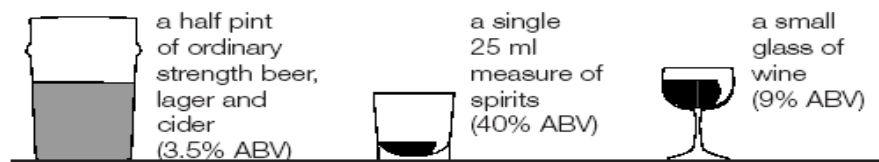
4 Alcohol

4.1 Many people drink alcohol on occasions and enjoy doing so. However, alcohol, if misused can also inflict a great deal of damage, and its association at the workplace. Drinking moderate amounts of alcohol doesn't often cause any serious problems. However, drinking too much can be harmful. You may not realise if the amount you drink is more than the recommended daily limit, so it's important that you keep an eye on how much you're drinking.

4.2 The guides below show how long certain measures stay in your blood stream.

Box 1 What happens when you drink alcohol

- Alcohol is absorbed into your bloodstream within a few minutes of being drunk and carried to all parts of your body including the brain.
- The concentration of alcohol in the body, known as the 'blood alcohol concentration', depends on many factors, but principally, how much you have drunk, how long you have been drinking, whether you have eaten, and your size and weight. It is difficult to know exactly how much alcohol is in your bloodstream or what effect it may have.
- It takes a healthy liver about 1 hour to break down and remove 1 unit of alcohol. A unit is equivalent to 8 gm or 10 ml (1 cl) of pure alcohol. The following all contain one unit of alcohol:



- If someone drinks 2 pints of ordinary strength beer at lunchtime or half a bottle of wine (ie 4 units), they will still have alcohol in their bloodstream 3 hours later. Similarly, if someone drinks heavily in the evening they may still be over the legal drink drive limit the following morning.
- Black coffee, cold showers and fresh air won't sober someone up. Only time can remove alcohol from the bloodstream.

Box 2 Daily benchmarks

The following benchmarks are a guide to how much adult men and women can drink in a day without putting their health at risk. They apply whether you drink every day, once or twice a week, or occasionally. The benchmarks are not targets to drink up to. There are times and circumstances when it makes sense not to drink at all.

Men

- If you drink between 3 and 4 units a day or less, there are no significant risks to your health BUT...
- If you consistently drink 4 or more units a day, there is an increasing risk to your health.

Women

- If you drink between 2 and 3 units a day or less, there are no significant risks to your health BUT...
- If you consistently drink 3 or more units a day, there is an increasing risk to your health.

Note: the benchmarks don't apply to young people who have not reached physical maturity.

- 4.3 If an employee appears to be under the influence of alcohol and enters the workplace, testing will be arranged immediately if the employee occupies a safety critical role. Following a breath test and if the results are positive, the employee will be sent home and the Council will look to manage this employee through its (dependent upon circumstances) Capability, Sickness or Disciplinary Policy in a fair and consistent manner.
- 4.4 If an employee whom occupies a non-safety critical role appears to be under the influence of alcohol and enters the workplace, the employee will be sent home and the Council will look to manage this employee through its (dependent upon circumstances) Capability, Sickness or Disciplinary Policy in a fair and consistent manner.
- 4.4 Employees are responsible to ensure that they pose no risk and do not drive being over the legal limit.

5 Role of Management

- 5.1 For the purposes of this policy, management is defined as Directors, Heads of Service and Line Managers.
- 5.2 It is the responsibility of all managers (outlined 5.1) to communicate the Drugs and Alcohol Policy and to ensure that all employees for whom they are responsible have knowledge and understanding of the policy.
- 5.3 Managers should not wait until complaints, job performance or unsafe working practices are brought to their attention if they are aware of an employee's behaviour, which is, or may be, related to the misuse of drugs or alcohol.
- 5.4 The signs outlined previously (see 3.3) maybe caused by other factors, such as stress and should be regarded only as indications that an employee may be showing signs of alcohol dependency or drug misuse.
- 5.5 Managers should seek advice from Human Resources immediately if they suspect any employee to be under the influence of drugs or alcohol.

6 Role of Employees

- 6.1 Employees have a role to play in helping to create a climate at work, which is conducive to good working practice.
- 6.2 Employees are not allowed to consume alcohol during working hours including when on standby and on call duties.
- 6.3 No employee may use/deal/possess illegal drugs during work times. Any breach will immediately be reported to the police and the Disciplinary Policy will be invoked.

- 6.4 Employees on prescribed medication which might affect a safety critical role must advise the Occupational Health Adviser to ascertain whether it is safe to work / drive within a safety critical role.
- 6.5 By virtue of the Health and Safety at Work etc. Act 1974, the Management of Health and Safety at Work Regulations, and in accordance with the Councils' Safety Policy, employees have a statutory duty to report to their employer any work situation which is reasonably considered to represent serious and imminent danger to Health and Safety.
- 6.6 Employees who have reasonable cause to suspect that a colleague is under the influence of alcohol or drugs (whether or not there is a perceived risk to their own health and safety and that of others exposed to their activities), must report this to their line manager as quickly as possible.
- 6.7 The Council will ensure that anyone who acts in good faith to disclose a concern or wrong doing will be protected under the terms of the Council's Whistle Blowing Policy.

7 General Procedures

- 7.1 Where an employee is found to be displaying the signs of drug or alcohol misuse (see section 3.3 above), the subject should be broached immediately with the employee by their line manager or supervisor. The conversation should be private and confidential and the employee should be treated sympathetically. Advice should always be sought from Human Resources.
- 7.2 Any employee who has a dependency problem will be referred to the Councils' Occupational Health Adviser and the employee's own General Practitioner. In order to assist an employee with a dependency problem, they will be expected to co-operate by agreeing to permit the Councils' Occupational Health Adviser to have access to their GP, and appropriate medical records.
- 7.3 Testing will only be carried out if, following reasonable suspicion received, the employee is in a safety critical role (see 1.6). Following a positive result, the Council will look to temporarily redeploy into a non-safety critical role (if appropriate) or suspend pending the outcome of a full disciplinary investigation. The Councils' Disciplinary Policy will be invoked regardless of the fact that an employee is following a recovery programme unless the employee came forward originally before reasonable suspicion.
- 7.4 A positive test result for drugs or/and alcohol is a serious breach of Health and Safety rules and falls under gross misconduct. This could mean dismissal from the Council if proven.
- 7.5 If the employee is not in a safety critical role then following Occupational Health Advice, the individual will be managed, dependent upon the circumstances, through

the Councils' Capability, Sickness or Disciplinary Policy in a fair and consistent manner.

- 7.6 Where an employee is taking prescribed drugs which may have an impact on their ability to undertake their regular duties safely, they should ask their General Practitioner or Pharmacist if the medication may affect them at work. If the member of staff is concerned then further advice can be sought from the Council's Occupational Health Advisor.

8 Testing

- 8.1 This policy applies to testing of breath and/or bodily fluids for the purposes of determining whether an employee has alcohol and/or drugs in their body whilst at work.

- 8.2 This procedure is intended to ensure the safety of the individual employee, their work colleagues and members of the public.

- 8.3 Testing will be carried out where a manager / supervisor has **reasonable suspicion** that an employee, who is employed in a **safety critical role**, is or may be under the influence of alcohol or drugs.

- 8.4 Testing will be carried out to ascertain the levels of drugs and/or alcohol levels in the blood in circumstances which are set out below. The circumstances in which the Council can request an employee to agree to testing falls into any of the following:

- 8.4.1 **Reasonable Cause of Suspicion:** In cases where there is reasonable cause of suspicion of alcohol/drug misuse, the Council reserves the right to ask and obtain the consent of an employee to arrange for testing. In these circumstances, any judgment must be based on evidence such as, but not limited to:

- Abnormal speech
- Smell of alcohol on the breath
- Behaviour that may be due to the effects of alcohol/drugs
- Allegation made by another person which there is no cause to disbelieve
- Allegations made by another person under the Whistle Blowing Policy
- Reasonable grounds to suspect that the employee's act or omissions contributed to any accident or incident whilst at work. This requirement can take place either prior to commencing or during work.
- Any signs as outlined in point 3.3
- Following a Police caution or charge and resulting points being added to a licence or disqualification

- 8.4.2 **Accident / Incident:** Following an accident or incident, testing may be carried out if there is evidence to suggest those involved might have consumed/abused/used alcohol and/or drugs in contravention of this policy.

“Involved” in an accident or incident may require testing not only those who are injured, but also any employees who potentially contributed to the accident or incident event in any way.

- 8.4.3 **Random testing:** If the Council has cause for concern of drugs misuse within certain safety critical roles, random testing will be initiated. Agreement will be sought first by the Councils’ Joint Management Team and in consultation with Unison.
- 8.4.4 **Rehabilitation:** As part of the rehabilitation and aftercare process with Human Resources, employees may be required to undergo random periodic screening/testing.
- 8.5 Subject to meeting any of the above conditions the employee should immediately be withdrawn from work and a breath or urine test requested to determine specific levels. The testing will be carried out by a UK accredited collection agency. The testing procedure and results undergo a strict chain of custody procedure. The employee will be stood down from his safety critical role during this period, until the result of the test has been confirmed. Suspension maybe considered dependent upon the situation/incident and in discussion with the Head of Transformation.
- 8.6 During testing procedures, the employee may wish to have a trade union representative or a work colleague present, however consideration must be given to the practicalities and timing if required and the process will not be delayed or halted. Due to the sensitive nature of the testing process, the Council will endeavour to ensure that strict confidentiality is observed by all involved in this process. A Human Resources Representative will arrange the test and be present during any testing to ensure the tests are carried out in a confidential, sensitive and fair manner. All test results will be kept confidential and in accordance with the Data Protection Act 1998.
- 8.7 If an employee passes the drug and / or alcohol tests undertaken then further investigation and discussion will be required with the individual to determine the cause for their impaired performance. They will not be allowed to undertake a safety critical role until has it has been determined that they will be able to undertake the duties safely. Further advice may be required from Human Resources, the council’s Health and Safety Officer, the council’s Occupational Health Adviser and the employees GP.

9 Refusal to take a test

- 9.1 If an employee refuses to take a test without good reason, then management will have no alternative but to consider this to be an indication of guilt and therefore the Disciplinary Policy will be invoked.

10 External Contractors and Agency Workers

- 10.1 Whilst undertaking any work for the Council all contractors and agencies will ensure that their workers are fit to perform the task to which have been assigned, and that they are not under the influence of drugs or alcohol.
- 10.2 If any such contractor / agency worker is considered by Council management to be under such an influence and behaving in a way that puts the health and safety of themselves or others at risk, they will be removed from the site/premises and the contractor / agency informed of the situation.
- 10.3 All Contract Monitoring Officers will be responsible for providing a copy of this corporate arrangement document to all external contractors prior to work commencing.

11 Employee Assistance

- 11.1 The Head of Transformation will, where possible, make available an independent counselling service for all employees on a confidential basis.
- 11.2 When an employee voluntarily comes forward and admits to a drug or alcohol problem prior to any reasonable suspicion being received and dependent upon circumstance, the current disciplinary policy may be suspended and the organisation will offer rehabilitation for a certain period. However where there is a relapse coupled with a positive test result, the Head of Transformation will make the decision as to whether to permit another period of rehabilitation or invoke the disciplinary procedure.
- 11.3 Following an initial assessment, should there be a need for specialist referral to an appropriate agency, this will be arranged through Occupational Health