

Cherwell District Council and South Northamptonshire Council

Joint Commissioning Committee

9 February 2017

<p>Notification of Urgent Action Revised Drugs and Alcohol Policy</p>

Report of Joint Chief Executive

This report is public

Purpose of report

To inform Members of the decision taken by the Joint Chief Executive under urgent powers in consultation with the Councillor Wood (Chair of JCC) to adopt a revised Drugs and Alcohol Policy, across both Cherwell District Council and South Northamptonshire Council.

1.0 Recommendations

The meeting is recommended:

- 1.1 To note the urgent action taken by the Joint Chief Executive to adopt the revised shared Drugs and Alcohol Policy (Appendix 1) with immediate effect.

2.0 Introduction

- 2.1 As the Committee will be aware, a revised drugs and alcohol policy was introduced across the two Councils in September 2015.
- 2.2 As a result of this more stringent policy, which allowed the Councils to undertake random drug and alcohol testing, it has emerged that there a small number of staff, who, as a result of drinking heavily and regularly during the previous evening arrive at work first thing in the morning, with relatively high levels of alcohol still in their system.
- 2.3 Although below the current legal drink drive blood alcohol level in England and Wales the previous Drugs and Alcohol Policy stipulated that action could only be taken against a member of staff where the level of alcohol exceeded the legal drink driving blood alcohol level in England and Wales.
- 2.4 This left the Councils in a more vulnerable position as it can be shown that staff who undertake their duties under the influence of alcohol or after regular and persistent drinking are at a higher risk of having an accident.

3.0 Report Details

- 3.1 In September 2015 the drug and alcohol policy was extensively reviewed and rewritten to include random drug and alcohol testing specifically relating to those staff that operate in safety critical roles or high risk safety critical roles. As part of this testing procedure it emerged that a small number of staff were arriving at work in the morning with alcohol in their system as a result from drinking the previous night. Under the policy it was only possible to take action against a member of staff where their alcohol test exceeded the current UK drink drive level of 80 milligrams of alcohol per 100ml of blood. In situations where staff had been tested in the morning although the level of alcohol was relatively high it had been below the current drink drive limit in England and Wales and as a result it was not possible to take any action against members of staff, as it did not contravene the current policy.
- 3.2 Staff have a fundamental duty to come to work in a fit state ready to undertake their normal duties. Where staff frequently and regularly drink heavily the night before they come to work, it has been shown that this will have a detrimental effect, in the long term, on their ability to safely undertake their duties. This is specifically relevant where staff are involved in safety critical or high risk safety critical duties, as there is an associated increase in the risk of accidents and injuries, not only to themselves, but also colleagues and members of the public. The Institute of Alcohol Studies asserts that heavy and consistent drinking can have a serious effect on an employee's performance at work, and the HSE state that even at blood alcohol levels lower than the current legal drink drive limit reduces both coordination and reaction speeds, as well as thinking, judgement, and mood.
- 3.3 Where this occurs as a one off this can be dealt with through the policy, but due to the ability to be able to randomly test staff in safety critical roles it has been identified that for a small number of staff this is happening on a regular and frequent basis
- 3.4 In the event that there is a serious incident the fact that the Councils have knowingly allowed staff to undertake their safety critical duties with levels of alcohol in their system would reflect badly on the Councils reputation.
- 3.5 It has been considered necessary therefore to introduce into the drugs and alcohol policy a reduced limit for those undertaking safety critical roles. For employees undertaking a safety critical role the following revised limits apply:
- 3.6 29 milligrams of alcohol per 100ml of blood
13 micrograms of alcohol per in 100 ml of breath
39 milligrams of alcohol in 100ml of urine
- 3.7 For a member of staff undertaking a safety critical role or a higher safety critical role, a positive result is one which is equal to or above these limits.
- 3.8 Where it can be shown that a member of staff who undertakes safety critical or higher safety critical duties, and who regularly and persistently attends work with lower levels of alcohol in their system, as this can, over a longer term have a detrimental effect on their performance as well as their health, it will be considered that these members of staff are not arriving at work in a fit state and as a result formal action may be instigated using an appropriate HR policy.

4.0 Conclusion and Reasons for Recommendations

- 4.1 This revision to the drugs and alcohol policy was needed to ensure that this complicated and sensitive area could be dealt with quickly and effectively to ensure that the Councils are acting in the best interest of both staff and customers. Staff who undertake their duties under the influence of either drugs or alcohol risk bringing the Councils into disrepute as well putting staff and members of the public at an increased risk of an accident or injury. Accordingly the Joint Chief Executive adopted the revised policy appended using her urgency powers in consultation with the JCC Chairman.

5.0 Consultation

CDC/SNC Joint Management Team
Cherwell District Council Trade Union

Approved the revision
Approved the revision

6.0 Alternative Options and Reasons for Rejection

- 6.1 The following alternative options have been identified and rejected for the reasons as set out below.

There are no alternative options as this is an information report for noting.

7.0 Implications

Financial and Resource Implications

- 7.1 There are no specific additional charges identified as part of this revision to this Policy.

Comments checked by:
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Legal Implications

- 7.2 The Misuse of Drugs Act 1971 makes the production, supply and possession of certain controlled drugs unlawful except in certain very specific circumstances (for example when they have been prescribed by a Doctor).
- 7.3 Driving whilst over the legal limit of alcohol is an offence.
- 7.4 By virtue of the Health and Safety at Work etc Act 1974, the Management of Health and Safety at Work Regulations 1999 as amended and in accordance with the Council's 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.

7.5 As the policy was adopted using urgency powers it is necessary for the JCC to receive this report for information.

Comments checked by:

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8.0 Decision Information

Wards Affected

N/A

Links to Corporate Plan and Policy Framework

N/A

Lead Councillor

None

Document Information

Appendix No	Title
Appendix 1	Revised Shared Drugs and Alcohol Policy
Background Papers	
None	
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