

Alcohol and Drugs Testing Policy

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Purpose	To provide a framework setting out clear guidance to all employees outlining the principles and circumstances in which the council will conduct alcohol and drugs testing and the procedure for testing.		

This policy links to:

- Our Council Plan
- Walsall Proud
- Code of Conduct for Employees / Workers
- Disciplinary Policy
- Alcohol and Drugs Workplace and Testing Guidance
- Workforce Strategy
- Behaviour & Standards Framework
- Information Governance Policy Framework
- Health and Safety Management Standards

This list is not exhaustive.

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- 1.1 Walsall Council is PROUD. We are proud of our past, our present and for our future. The council is committed to reducing inequalities and ensuring all potential is maximised and its employment policies, procedures and guidelines are designed to support this vision and deliver the council's priorities.
 - 1.2 The council is committed to creating an environment that provides opportunities for all individuals and communities to fulfil their potential. This policy provides a framework in which employees will be supported to deliver the council's priorities in line with the council's expected behaviours and values; professionalism; leadership; accountability; transparency and ethical.
 - 1.3 The council's values and behaviours will be at the core of everything the council deliver and through a culture of continuous improvement the council will increase performance, efficiency and champion the design of services to meet the needs of customers. As a digital by design council, employees will be empowered to deliver new ways of thinking and new ways of working, encouraging innovation and creativity in a learning environment. The council is committed to technological investment to deliver transformation in order to improve the efficiency and effectiveness of its services, both internally and externally.
 - 1.4 This policy framework promotes the council's strategic priority of internal focus ensuring all council services are customer focused, effective, efficient and equitable and helps embed the behaviours and values expected of all employees as part of the Behaviour and Standards Framework.
 - 1.5 The purpose of this policy is to promote a safe and healthy workplace which is aimed at supporting employees to report fit for work to perform their duties and discourages the use/misuse of alcohol and/or drugs. The council will take all reasonable steps to eliminate the risks of incidents or accidents from the effects of alcohol or drugs misuse.
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- 2.1 This policy applies to all Council employees including;
 - 2.1.1 Chief Officers;
 - 2.1.2 Employees on fixed term or temporary contracts;
 - 2.1.3 Casual workers;
 - 2.1.4 Agency workers;
 - 2.1.5 Contractors working on council property or undertaking work on behalf of the council.
 - 2.2 With the exception of;
 - 2.2.1 School-based employees/workers where the governing body has delegated authority and for whom separate arrangements apply.

- 3.1 Walsall Council recognises alcohol and drug related problems are an area of health and social concern. Therefore, the council is committed to supporting employees who acknowledge they have a problem and who actively seek help and support. This policy aims to promote general awareness of the risks associated with the consumption of alcohol and the misuse of drugs, and to encourage council employees who have problems with alcohol and/or drugs to inform management at the earliest possible stage.
- 3.2 The council reserves the right under this policy to exercise alcohol and drugs testing of its employees and others identified within scope of this policy (2.1). If a substance is found on-site which appears to be drug-related, the council also reserves the right to request testing of the substance to establish the substance-type.
- 3.3 Employees are expected to report fit for work and those who knowingly report for work under the influence of alcohol and/or drugs, and by doing so place themselves and others at risk, will be deemed to have breached this policy and the code of conduct and their actions may be considered as gross misconduct.
- 3.4 The council expressly prohibits the use of any illegal drugs (including psychoactive substances, formerly known as "legal highs") or any prescription drugs that have not been prescribed for the user. The council reserves the right to search council property and council vehicles for illegal drugs, for possession of prescription drugs (not prescribed) or psychoactive substances. If any incidents of this nature take place or where possession of any of these substances are found, it will be regarded as a serious matter and you will be deemed to have breached this policy and the council's code of conduct for employees. The matter will be investigated under the council's disciplinary policy and may constitute gross misconduct leading to disciplinary action. In addition, the matter may be reported to the police and/or any other relevant professional body.
- 3.5 Where a role is deemed to be safety critical (Appendix A) the council will have discretion to screen for alcohol and drugs use through random testing.
- 3.6 Testing can also be conducted due to cause and suspicion. Such cases must be justifiable and conducted with the consent of the employee. The manager must discuss their concerns with the employee and keep a record of the conversation.
- 3.7 Employees will be required to comply with the testing process. Failure or refusal to comply with the testing process will lead to an investigation commencing under the disciplinary policy.
- 3.8 Employees who have been selected for testing will be advised of the testing process by the provider. Where laboratory test outcomes are positive, the matter will be addressed under the disciplinary policy and may constitute gross misconduct leading to disciplinary action.

- 3.9 An employee has the right to challenge the confirmed laboratory test, within 48 hours of the employee receiving the test result, and request the second sample to be re-tested by the council's appointed provider or to seek out an independent accredited laboratory for testing. Where an independent laboratory is sought, any cost will be incurred by the employee. The testing must take place within 14 calendar days of the employee's challenge of the test outcome using the second sample, supplied by the council's provider under strict laboratory conditions.
- 3.10 Where test results of an independent laboratory differ from the original test provided by the council, further exploratory investigation will take place and where appropriate the cost incurred by the employee may be reimbursed where the payment is evidenced.
- 3.11 This policy and accompanying procedure is underpinned by, and should be read in conjunction with, the alcohol and drugs workplace and testing guidance which offers further advice and support to employees and managers in the implementation of this policy.
- 4.1 Managers are accountable for the following;
- Applying this policy and procedure consistently, fairly and objectively in accordance with the council's aim and priorities and clearly demonstrate the council's management behaviours and values, seeking further advice and guidance from HR where necessary;
 - Identifying roles within their area which would be deemed as safety critical and therefore subject to random testing;
 - Be aware of the effects of alcohol/drugs and monitor changes in behaviour, work performance, attendance etc, that may indicate that an employee is under the influence of alcohol or drugs;
 - Encouraging employees to disclose and discuss any problems or potential problems they may have in regards to alcohol or drugs dependency;
 - Encouraging employees to disclose and discuss any medication they are taking including prescribed medication or over the counter medication that may affect their ability to conduct their duties effectively;
 - Taking appropriate action should they suspect that an employee is under the influence of alcohol or drugs that may have a potential risk to themselves or others;
 - Arranging alcohol and drugs testing as appropriate;
 - Offering ongoing support and access to support services to employees who disclose they may have a problem with alcohol or drugs;
 - Ensuring any sensitive personal information remains confidential in line with the council's information governance guidelines;
 - Participating in the testing process as required;
 - Managing the investigatory process in the event of an employee not complying with this policy or in the event of a test having a positive outcome.

4.2 Employees are accountable for the following;

- All employees should support the delivery of the council's aim and priorities, clearly demonstrating the council's behaviours and values;
- Actively engage in employment practices and processes in which they are involved and ensure they understand this policy, seeking further advice and guidance from managers where necessary;
- Ensuring they do not report to work under the influence of alcohol and/or drugs which are likely to render them unfit to carry out duties safely;
- Ensuring they do not consume or possess alcohol and/or drugs on council property, council vehicles or during working hours;
- Informing their Medical Practitioner or Pharmacist of the type of work they do, so that appropriate guidance on medication can be obtained;
- Ensuring they notify their manager of any medication taken including prescribed medication or over the counter medication that may affect their ability to conduct their duties effectively;
- Notifying their manager as soon as possible and actively seek support where they recognise they have a problem or potential problem with alcohol and/or drug dependency;
- Notifying a manager if they recognise or suspect a colleague is under the influence of alcohol and/or drugs and encourage colleagues to seek help and support in relation to this;
- Participating in the testing process as required, including attending the designated testing location to undertake the test. This includes employees travelling from an alternative work location where required (i.e. another council workplace or where working from home) in order to attend the test;
- Complying with the requirements of this policy and procedure.

5.1 Testing under random selection

- 5.1.1 When random testing is initiated, the service provider will randomly select the sample group to ensure the selection process is fair, unbiased and consistent. Random testing will only be carried out on posts deemed to be safety critical.
- 5.1.2 Employees that have been selected to undergo random testing should be advised the testing does not indicate any suspicion or wrongdoing. Employees selected for random testing who request details of the selection process should have verbal confirmation of how the random selection has been established.
- 5.1.3 An employee who has been selected will be notified by a manager and will be required to attend a testing session. Managers will be required to facilitate the employee's attendance at the testing session as necessary.

5.2 Testing for cause and suspicion

- 5.2.1 Where a manager has reasonable suspicion that an employee is under the influence of alcohol and/or drugs or for precautionary reasons following an accident or incident, the manager can initiate testing under cause or suspicion.
- 5.2.2 The manager must discuss their concerns with the employee in the first instance ensuring that a record of the conversation is noted and retained. Following this initial discussion the manager has discretion to initiate an alcohol or/and drugs test. The employee must be made aware of the rationale for any testing process initiated due to cause/suspicion.

5.3 Testing process

- 5.3.1 Employees must give their informed consent in writing, using the provider's alcohol and drugs test proforma before testing can take place, for both random tests and tests due to cause/suspicion.
- 5.3.2 Testing will be carried out by independent trained technicians from a laboratory accredited by the appropriate body and will follow a strict chain of custody protocol to maintain control and accountability of samples from receipt through to completion of testing, reporting results, storage and final disposal.
- 5.3.3 An employee who refuses to give consent or to comply with the alcohol and drugs testing process will be required to attend an informal meeting to explain their refusal as soon as reasonably practicable. Refusal without good reason will leave the council no alternative but to consider this as an indication of guilt and will be addressed as a failed test, resulting in the council's disciplinary policy being initiated, as the council will have little or no reassurance of the individual being fit for work and complying with health and safety requirements.
- 5.3.4 Samples will be taken from the employee by a trained technician; this will be split into two containers, with one of the samples used for analysis. The second sample will be stored in laboratory conditions for independent analysis upon request by the employee.
- 5.3.5 If an employee has a complaint about the way in which they were selected or in which the test has been conducted, it should be raised informally with their line manager in the first instance to address any concerns.

5.4 Testing outcome

- 5.4.1 An employee tested for alcohol or drugs has the right to be informed of their indicative screening results before the results are passed to management. Indicative screening results should never be classed as positive until the laboratory has carried out the necessary LC-MS-MS (Liquid Chromatography with tandem mass spectrometry) confirmation.

- 5.4.2 Where an employee's indicative result is negative, no further investigation will be undertaken and the sample will be destroyed by the Technician. The employee will be deemed as fit to undertake their normal duties.
- 5.4.3 Where an employee's indicative result is non-negative, further testing of the sample will be undertaken by the accredited laboratory. Whilst the results of the laboratory tests are being established:
- A. employees occupying a safety critical role may be deemed as unfit to undertake their normal duties and as a result the manager may;
 - find alternative duties where possible, until test results from the laboratory have been established;
 - suspend the employee until test results from the laboratory have been established (advice should be sought from HR in such circumstances).
 - B. employees who do not occupy a safety critical role, and depending on the nature of their role and their ability to perform the role may;
 - be able to return to their normal duties;
 - require reasonable adjustments to be considered by their manager;
 - in serious cases it may be appropriate to suspend the employee until test results from the laboratory have been established (advice should be sought from HR in such circumstances).
- 5.4.4 Where an employee has a confirmed positive test, following laboratory testing for alcohol and/or drugs, the employee will be required to attend an informal interview with their manager to establish the facts. The outcome of this meeting will depend on the circumstances but may include any of the following;
- disciplinary investigation/action/suspension as appropriate;
 - a temporary move to an alternative post/duties if appropriate;
 - appropriate support and assistance should be offered in all cases and the employee made aware their progress will be monitored and they may be subject to further testing.
- 6.1 If an employee has come forward to declare an alcohol or drugs problem, the manager should offer support and assistance where possible including access to appropriate support channels as part of an overall program of care, including making reasonable adjustments where appropriate, refer to the alcohol & drugs testing guidance for further information.

- 7.1 The council will retain a record of the frequency of random testing and the testing provider will request a copy of employee consent.
- 7.2 Medical reports will be retained by the independent laboratory and a summary of the results will be provided to the council.
- 7.3 Records relating to this policy will be treated as confidential and will be kept in accordance with the information governance framework and records management policy.