

Equality Impact Assessment (EqIA) for Policies, Procedures and Services

Proposal name	Alcohol and Drugs Testing Policy		
Directorate	Resources and Transformation		
Service	HR Strategy and Planning Team		
Responsible Officer	Gary Smith		
EqIA Author	Gary Smith		
Proposal planning start	1 st March 2022	Proposal start date (due or actual)	Planned for 1 st July 2022

1	What is the purpose of the proposal?	Yes / No	New / revision
	Policy	Yes	Revision
	Procedure	No	N/A
	Internal service	No	N/A
	External Service	No	N/A
	Other - give details		
2	What are the intended outcomes, reasons for change? (The business case)		
	The Council has a duty of care for the health and safety of its employees and members of the public. In the first instance the policy aims to promote awareness of the effects of Alcohol and/or Drugs and offer support and assistance to employees where appropriate. With regards to this policy, drugs are defined as any illegal drugs (including psychoactive substances, formerly known as "legal highs") or any prescription drugs that have not been prescribed for the employee. Alcohol consumption will be inline with the legal alcohol tolerance for drink driving. The policy will also allow the Council discretion to undertake testing for alcohol and/or drugs under specific criteria: a) Random Testing - Where a role is deemed to be safety critical, the council will have discretion to screen for alcohol and drugs use through random testing. Safety critical posts are defined as;		
	1) Directly related to the safe use, operation or security of property, equipment or vehicles, chemicals, work at heights or in confined spaces or:		

- 2) In a position which has delegated responsibility and makes decisions for the safety and wellbeing of others; or
- 3) In a customer facing post which will be deemed to be safety critical due to the responsibility an employee has for a customer's health and well-being.
- 4) Direct supervision of children.
- 5) Direct supervision of vulnerable adults.
- 6) A manager who has the responsibility for supervising (or is accountable for) employees who perform safety critical roles shall also be considered as occupying a safety critical post. This is with the exception of roles where the manager would defer decision-making on operational/technical matters to the employee because the manager does not have the specialist knowledge/skills/qualifications (e.g. a manager who line manages an employee responsible for corporate health and safety but who does not possess specialist knowledge of this area, and so would defer key H&S decisions to the specialist employee).

b) Testing due to cause or suspicion - Testing can also be conducted due to cause and suspicion if a manager has reasonable suspicion that an employee(s) may be unfit for work due to the influence of alcohol and/or drugs. In such circumstances, the policy encourages managers to discuss their concerns with the employee before any testing can be carried out. The policy also states that the employee must be made aware of the rationale for any testing process initiated due to cause/suspicion.

The policy also applies to casual staff, agency staff and contractors.

3 Who is the proposal potential likely to affect?

People in Walsall	Yes / No	Detail
All	No	
Specific group/s	No	
Council employees	Yes	All corporate employees including Chief Officers
Other	Yes	Casual staff, agency staff and contractors.

4 Please provide service data relating to this proposal on your customer's protected characteristics.

4.1 As of 31 March 2022, the total number of Walsall Council employees (excluding Schools) were 3,009. In total there were 133 employees (4.44%) employees who declared they

had a disability, as defined by the Equality Act 2010, some of these may require communication in a different format. The Council's workforce is made up of 66.94% females and 21.68% of employees from a minority ethnic group.			
Type		Date	
Audience			
Protected characteristics			
Feedback			
N/A			
Type		Date	
Audience			
Protected characteristics			
Feedback			
N/A			
4.2	Concise summary of evidence, engagement and consultation (including from area partnerships, where relevant)		
Consultation took place with HR team, senior managers and Trade Union colleagues between 18 February and 09 March 2022.			
Consultation took place regarding			
• Greater emphasis in the policy on the responsibilities of employees regarding the expectation that, when selected for testing, they will attend a testing site from their current work location, including from home when working remotely (section 4.2). • Reference in the policy to the fact that if a substance is found on-site which appears to be drug-related, the council reserves the right to request testing of the substance to establish the substance-type (section 3.2) • Safety critical criteria - alongside the policy review, the safety critical criteria has also been reviewed and an amendment made to point 6 of the criteria document. This refers to the change in status of those roles previously deemed safety critical, where the manager would defer decision making on operational/technical matters to the employee. • A list of all safety critical/non-safety critical roles was provided to senior managers to review the status of the roles they directly line manage and			

provide any comments/feedback. No further comments were received from managers regarding these.

The feedback received related to:

- Whether the term 'children' should be defined within the Safety Critical criteria.
Response: Engaged with Children's Services to establish agreed definition which has been replicated within the safety critical criteria document.
- Random selection should apply to all council roles, rather than safety critical roles. All employees should be subject to the same process and that this is the fairest way to apply this.
Response: Within the policy, testing under cause and suspicion applies to all roles, regardless of whether they are safety critical or non-safety critical. Random selection applies to safety critical roles on a business needs basis.
- If the employee has cause and suspicion that their manager is under the influence, where does the policy allow for the employee to take this forward?
Response: In such circumstances the employee would need to raise the issue with the manager's manager or other appropriate manager. This is covered in section 4.2 of the policy (8th bullet point).

How may the proposal affect each protected characteristic or group?
The effect may be positive, negative or neutral.

Characteristic	Effect	Reason	Action needed Y or N
Age	Neutral	The procedure assists the Council to ensure a safe environment for employees and the public. The procedure sets out clear guidance when undertaking alcohol and drugs testing with no impact on any particular group.	No
Disability	Potential	Potential impact on employees who require reasonable adjustments for communication and for those who do not understand the policy e.g. employees with learning disabilities. A range of support agencies are provided on the	Yes

		intranet page and a link to this page is included within the test invite email sent to all donors. This includes signposting to the council's Employee Assistance Programme (EAP) to support all employees, including those with mental health disabilities. This information is also provided to those employees who receive a positive/non-negative test.	
Gender reassignment	Neutral	The procedure assists the Council to ensure a safe environment for employees and the public. The procedure sets out clear guidance when undertaking alcohol and drugs testing with no impact on any particular group.	No
Marriage and civil partnership	Neutral	The procedure assists the Council to ensure a safe environment for employees and the public. The procedure sets out clear guidance when undertaking alcohol and drugs testing	No
Pregnancy and maternity	Potential	Potential impact for people who are on maternity or paternity leave and are not updated about the policy with no impact on any particular group.	Yes
Race	Potential	Potential impact on those employees whose first language is not English as they may not understand the policy. The Council are aware of their obligations under part 7 of the Immigration Act 2016 which creates a duty to ensure that all public authority staff in customer facing roles speak fluent English (or Welsh in	Yes

5			Wales) to an appropriate standard to perform their role effectively. The policy includes reference to employees being able to request the information being made available in another language if required. Access to an interpreter is available on request.	
	Religion or belief	Neutral	The procedure assists the Council to ensure a safe environment for employees and the public. The procedure sets out clear guidance when undertaking alcohol and drugs testing with no impact on any particular group.	No
	Sex	Neutral	The procedure assists the Council to ensure a safe environment for employees and the public. The procedure sets out clear guidance when undertaking alcohol and drugs testing with no impact on any particular group.	No
	Sexual orientation	Neutral	The procedure assists the Council to ensure a safe environment for employees and the public. The procedure sets out clear guidance when undertaking alcohol and drugs testing with no impact on any particular group.	No
	Other (give detail)			
	Further information			

6	Does your proposal link with other proposals to have a cumulative effect on particular equality groups? If yes, give details below.		(Delete one) Yes/ No
7	Which justifiable action does the evidence, engagement and consultation suggest you take? (Bold which one applies)		
	A	No major change required	
	B	Adjustments needed to remove barriers or to better promote equality	
	C	Continue despite possible adverse impact	
	D	Stop and rethink your proposal	

Action and monitoring plan				
Action	Action	Responsibility	Outcome	Outcome
Day of launch	To ensure employees understand the requirements of the policy and support them to achieve the desired outcome.	Employee's line manager should make themselves available to explain the policy to ensure understanding and offer support to allow individuals to achieve the requirements	As and when required	
Day of launch	To ensure employees who are on maternity leave to be made aware of the new Policy	Employee's Line Manager	As and when required	
Day Of launch	The policy will be explained/made available in other languages on request for employees whose first language is not English.	Appropriate liaison as required with the councils Interpretation, Translation, Transcription and Easy Read service (ITTE)	As and when requested	
Day of launch	Alternative formats (audio and Easy Read) for disabled employees of the new policy will be made available on request.	Appropriate liaison as required with the councils Pearl Linguistics Service	As and when requested	

Update to EqlA

Date

Detail