

Personnel Committee (PC) – 13 October 2022

Alcohol & Drugs Testing Policy

1. Purpose of the report

- 1.1 To gain Personnel Committee approval for the revised Alcohol & Drugs Testing Policy (Appendix 1) endorsed by CMT at their meeting of 14 July 2022.

2. Recommendations

- 2.1 Personnel Committee is recommended to approve the Alcohol & Drugs Testing Policy (summary detailed below) endorsed by CMT (14 July 2022).

3. Background Information

Aim

- 3.1 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.
- 3.2 The Council has a duty of care for the health and safety of its employees and members of the public. This policy aims to promote awareness of the effects of Alcohol and/or Drugs and offer support and assistance to employees where appropriate.
- 3.3 Additionally, the policy sets 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.

Know

- 3.4 In July 2021, CMT agreed to the continuation of the Alcohol & Drugs Testing process for Council employees/workers and for a procurement exercise to be undertaken to award a new contract when the existing provider's contract expired in May 2022. This procurement exercise has now been undertaken and a new provider is in place and fully operational.
- 3.5 In line with the appointment of the new provider and the 3 yearly review cycle of employment policies, we have reviewed and updated the existing Alcohol & Drugs Testing Policy, which was initially launched in October 2019, and has been successfully implemented and utilised across the Council since its introduction.

- 3.6 Following consultation with employees and managers across the Council, as well as Trade Union colleagues, the Alcohol & Drugs Testing Policy has been revised, the main changes proposed in this policy review are outlined below:
- Greater emphasis 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 of the policy).
 - Reference 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 of the policy).
 - Safety critical criteria - alongside the policy review, the safety critical criteria has also been reviewed and an amendment made to point 6 of the attached document (Appendix 2). 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 due to the nature of the specialist area.
 - In light of the above amendment, the list of all safety critical/non-safety critical roles was reviewed by managers and updated accordingly.
- 3.7 The new provider has also reviewed the policy and have confirmed there are no further additions they would make to the policy.
- 3.8 In addition and to accompany the policy, the Alcohol and Drugs Testing Guidance has been refreshed and renamed the 'Alcohol and Drugs Workplace and Testing Guidance' and now incorporates additional information regarding support for employees misusing alcohol and drugs and this will also replace the outdated Substance Misuse Policy and guidance.

Our Council Plan priorities

- 3.9 The policy is directly aligned to the council's strategic priority of internal focus ensuring all council services are customer focussed, effective, efficient and equitable and helps embed the behaviours and values expected of all employees as part of the Behaviour and Standards Framework.

Response

- 3.10 Subject to approval, HR will finalise all associated guidance/forms and prepare a communications and implementation plan for publication of the revised policy.

Review

- 3.11 Employment policies will usually be reviewed on a three yearly cycle, unless legislation or internal organisational need prompt a review earlier or later.

4. Financial Implications

- 4.1 There are no anticipated financial implications arising from this report.

5. Legal Considerations

- 5.1 There are no specific legal issues anticipated from this report.

6. Risk Management

- 6.1 An equality impact assessment is attached (Appendix 3).

7. People

- 7.1 Employment policies include a scope section (where applicable) and each policy clearly sets out who the policy applies to and who it does not (appendix 1 section 2).

8. Consultation

- 8.1 The Alcohol & Drugs Testing Policy was formally consulted upon with senior managers and trade unions colleagues across the council between 18 February and 09 March 2022 and all comments were considered or incorporated and all consultees responded to.
- 8.2 An outstanding query from trade union colleagues was tabled, requesting that all staff be subject to random testing and not just those deemed to occupy safety critical posts. The reason for this was explained to the unions, relating to the purpose of the policy, ensuring that key roles responsible for health and safety in some capacity be subject to the testing process and informing the unions that all posts could be subject to cause and suspicion testing where employees are unfit to perform their role. There remains a valid and justifiable rationale for the selection of safety critical roles based on ensuring employees and members of the public's health and safety is maintained and a response on this basis has been formally provided to the trade union colleagues.

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