



Congleton  
Town Council

# **Drug and Alcohol Testing Policy and Procedure**



# Congleton Town Council

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## **Part One: Policy**

### **1. Policy Statement**

The Town Council is committed to providing a safe and healthy working environment for its employees. A key factor in this provision is to ensure that employees do not misuse alcohol, drugs and/or substances, nor are they exposed to the consequences of misuse by others.

The Law also imposes obligations on employers to ensure a safe system of work both under statute including the Health and Safety at Work etc. Act 1974 and under the common law, for example, the law of negligence. The terms of the Transport and Works Act 1992, Road Traffic Act 1988, and Misuse of Drugs Act 1971 also impose severe restrictions on organisations in their capacity as employers in relation to the use of drugs and alcohol.

Alcohol and drug/ substance consumption/dependency can lead to reduced levels of attendance, reduced efficiency and performance, impaired judgement or decision making and increased health and safety risks not only to the individual employee themselves, but also other people.

In addition to employees, other persons working for or on behalf of the Town Council are required to be aware of and comply with this policy. It should be noted however that the disciplinary or support provisions contained within this policy and procedure only apply to employees of the Town Council .

This policy and procedure have been developed to support achievement of the following objectives:

- To have a working environment safe from the effects of alcohol and drugs
- To ensure everyone is aware of the acceptable standards
- To encourage employees who suspect or know they have an alcohol or drug related problem to seek help voluntarily and provide assistance to these employees
- To provide practical guidance on how to deal with alcohol or drug related problems effectively
- To promote a climate that will reduce the tendency to conceal or deny alcohol or drug related problems by enhancing awareness and to provide a supportive framework for employees who come forward with an alcohol and drugs dependency issue
- To provide a process to support managers in dealing with any employment issues that may be attributed to alcohol or drug misuse in a fair and consistent manner

### **2. Principles**

- Employees shall not present themselves for work having consumed any alcohol in excess of the applicable limits or drugs (irrespective of whether such use is recreational and whether or not performance is impaired).
- Consumption of alcohol or drugs during normal working hours or at any time on Town Council, client or customer premises is prohibited.

- Normal working hours during which this policy and procedure applies shall include all periods of work such as shift work, overtime and extra duty and any period whilst waiting for work, such as between split duties.
- Any period of agreed standby or emergency call out duty shall be considered to be part of the normal working hours and the terms of this policy and procedure relating to working under the influence of alcohol or drugs shall therefore fully apply.
- Periods of travelling to and from a site for the purposes of standby or emergency call out shall also be treated as falling within the scope of this procedure
- When representing the Town Council outside normal working hours, for example attending any functions, employees shall be required to take a responsible attitude to the consumption of alcohol. Employees shall be deemed to be representing the Town Council and shall not do anything to jeopardise its reputation

### 3. Definitions

- **Employees-** individuals employed directly by the Town Council on a permanent or temporary contract of employment
- **Worker-** an individual or group of individuals employed by an agency, contractor, sub-contractor or self-employed and engaged on work for the Town Council
- **Testing Supplier-** the specialist who will conduct all testing and analysis
- **Alcohol-** a beverage, condiment or food additive which contains alcohol in any form
- **Alcohol Related Problem-** any consumption of alcohol which interferes with an employee's health, safety, welfare and performance in any aspect of employment
- **Drugs-** illegal and legal substances, to include prescribed and over the counter medication
- **Drug Related Problem-** any use of drugs, or substances which in themselves are legal but may be subject to abuse (such as glue or solvents) which interferes with an employee's health, safety, welfare and performance in any aspect of employment
- **Testing-** the process of screening an individual for alcohol and or drugs against the acceptable limits as set out in this document or with client specific site limits
- **Workplace-** any location whether Town Council, client, customer or other place of work the employee carries out their employment

### 4. Limit Alcohol

The limit for alcohol shall be set at the same level as the UK Governments legal drink/ drive limit, as amended from time to time, except in situations where a client requires that we comply with lower limits as prescribed by their policy or contractual arrangements (in which case the lower limit shall apply).

The current legal limits are less than 107 milligrams of alcohol per 100ml of urine, less than 35 micrograms of alcohol per 100ml of breath, or less than 80 milligrams of alcohol per 100ml of blood.

## **Drugs**

In the case of legal drugs the threshold levels are determined in accordance with established legal and medical practice.

Consumption, possession or sale of illegal drugs is prohibited and the Town Council takes a zero-tolerance approach. Possession and sale are also criminal offences under the Misuse of Drugs Act (1971). There is, therefore, no acceptable limit for illegal drugs.

Any test results that are in excess of these limits shall be considered to be positive test results and dealt with under the Town Council's Disciplinary Procedure.

## **5. Procedure**

The Drug and Alcohol Testing Procedure is detailed in Part Two of this document.

## **6. Equality Statement**

The organisation is committed to promoting equality of opportunity and developing and maintaining a diverse workforce, working with our staff to establish a workplace culture that is inclusive, fair and respectful to all.

In applying this policy, the organisation will have due regard for the need to eliminate unlawful discrimination, promote equality of opportunity, and provide for good relations between people of diverse groups, in particular on the grounds of the following characteristics protected by the Equality Act (2010); age, disability, gender, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, and sexual orientation, in addition to offending background, trade union membership, or any other personal characteristic.

## **7. Monitoring and Review**

This policy and procedure will be reviewed periodically by the Management Team in conjunction with operational managers. Where review is necessary due to legislative change this will happen immediately.

## Part Two: Procedure

### 1. Introduction

Employees are expected to report for work, and remain throughout the working day, in a fit and safe condition to undertake their duties, without any limitation or impairment, and not be under the influence of alcohol, drugs, or any other substances.

Employees are personally responsible for allowing sufficient time for intoxicating substances to leave their system before reporting for work. Intoxicating substances such as alcohol can remain in the system for several hours and even small amounts can impair performance and jeopardise safety. In general, alcohol is removed from the blood at the rate of about one unit an hour but this can vary from person to person. It can depend on:

- Size and gender (men tend to process alcohol quicker than women)
- How much food has been consumed?
- The state of the liver
- Metabolism (how quickly or slowly the body turns food into energy)

Employees must not consume alcohol or drugs or misuse substances on Town Council premises during their normal working hours or whilst engaged on Town Council business at any time.

Employees are expressly prohibited from possessing, storing, trading or selling controlled drugs in Town Council premises. Undertaking any of the above actions, or assisting or participating in their facilitation, whilst on duty or carrying out Town Council authorised work constitutes gross misconduct, which may lead to dismissal. In such cases the Town Council has an obligation to notify the local Police authority and will do so.

Any breach of this policy and procedure may lead to action under the Town Council's Disciplinary Policy and Procedure up to and including summary dismissal.

### 2. Testing

#### 2.1 "With Cause"/ Post Incident Testing

"With Cause" testing involves testing where there are reasonable grounds to believe that alcohol or drugs could have, or potentially could have had, an adverse effect on the health and safety of any individual and/ or where a manager considers that there is evidence that alcohol or drug use has occurred. Possible example of "with cause testing" could include (but are not limited to):

- Abnormal behaviour
- Discovery of an alcohol container
- Possession of a controlled substance
- Signs of current intoxication
- Poor or inconsistent performance

Post incident may be utilised following a workplace incident or accident, and may extend to a number of employees as appropriate.

Managers in consultation with HR will be responsible for making the decision to undertake “With Cause” or post incident testing and shall be responsible for initiating the services of the testing provider.

### **3. Accompaniment**

An employee may, if they wish, ask another employee to accompany them either in response to a request to participate in random testing or where the request is “with cause” or post incident. They may be accompanied by:

- An accredited Trade Union Representative,
- An official employed by a trade union, or by
- A fellow worker who must be an employee of the organisation

Every effort will be made by the Town Council to arrange for the employee’s chosen companion (or a suitable alternative) to be present. However, if this is not possible then they testing shall still take place.

### **4. Action following test result**

A negative result will be advised to the line manager and the employee and a record made.

If the alcohol breath reading is at or above the limit set out in this policy then the employee will be deemed to have tested positive and the employee will immediately be suspended from work. Disciplinary procedures will then be instigated which may result in disciplinary action being taken up to and including dismissal.

If the initial saliva reading is indicative of recent drug use (non-negative result) , the relevant individual will be advised that the biological sample needs to be analysed in a laboratory. The sample, provided under controlled conditions, will be handled in a formal chain of custody.

The employee’s line manager will be informed of the initial result and reminded that false results may occur. The individual will then be suspended from work, pending the result of further laboratory analysis.

If the employee declares that they have been taking medication prior to testing that may cause the non-negative result, the employee will not be suspended from work. If the medication is declared after a non-negative result then the employee will be suspended from work.

If drug test results are returned from the laboratory showing a negative result or are found to be consistent with declared medication, individuals and employers will be notified and thanked for their co-operation.

If positive results are returned from the laboratory then Disciplinary procedures will be instigated which may result in disciplinary action being taken up to and including dismissal.



Employees must raise grievances within 3 months of the event occurring (or of when they reasonably became aware of the event occurring), or final event where there is a

## 5. Support for Employees

Where an employee voluntarily seeks help and support for alcohol, drugs or substance dependency the line manager must:

- Hold an informal meeting with the employee to ascertain the nature of the dependency
- Seek Occupational Health advice as appropriate
- Provide reasonable support to assist the employee in seeking appropriate help and treatment and with rehabilitation
- Agree a plan to monitor and improve performance/ conduct as may be required and confirm this in writing

Employees should be encouraged to make use of the Employee Assistance Programme.

Where an employee accepts help (e.g. counselling, treatment or rehabilitation) this should take place outside of working hours. Where this is not possible the employee will be required to take annual leave, flexi leave or unpaid leave. Any agreed period of treatment will be a limited period, where resources allow and where service levels can be maintained. Employees may be required to undertake abstinence testing as part of this support.

Employees are expected to co-operate with any support and assistance provided by the Town Council and/ or any organisation approach or appointed to aid in addressing an alcohol and/ or drug and/ or substance misuse problem.

Some performance/ behaviour problems and frequent and/or regular sickness absence may be indicators of alcohol/ drug/ substance misuse and if persistent, of a dependency. A line manager may refer an employee to Occupational Health for an assessment and/ or discuss the issue with the Occupational Health Service. Occupational Health will advise the manager to enable them to determine an appropriate course of action.

Repeated sickness absence related to alcohol or drug misuse will be dealt with under the Attendance Management Policy and Procedure and the trigger points will apply.

Confidentiality will be respected as far as is legitimately and legally possible. However, it may be necessary for information regarding the employee to be shared with others (e.g. Occupational Health), with the employee's agreement.

If work performance, attendance or behaviour is unacceptable and the employee breaches this policy, irrespective of any reasonable support and assistance that can be offered, disciplinary action up to and including dismissal may become avoidable.

## **6. Reporting Incidents Outside of Work**

If an employee is convicted of a criminal offence related to alcohol (e.g. driving whilst under the influence of alcohol) and/or the possession, use or supply of drugs (or any other related offence, including drug driving) they are required to notify their manager as soon as possible.

Where it becomes untenable for an employee to continue in their role with the Town Council as a result of a criminal conviction related to alcohol and/ or drugs this may lead to dismissal. The employee's line manager will seek advice from HR before taking disciplinary action.

## **7. Prescription drugs and other medication**

Certain medicines available either with or without a prescription can affect an employee's ability to perform their work activities effectively and safely. Employees should inform their GP or pharmacist of the work they do and seek advice on possible side effects.

Employees should inform their line manager of any drugs or medication they are taking, whether or not prescribed by a general practitioner, which are likely to affect their ability to carry out their duties effectively and safely. Where there are known and/or likely side effects that may affect work performance (for example operating machinery) the line manager should prohibit, restrict or re-allocate duties as appropriate.

If an employee normally drives as part of their work or in the course of Town Council business and they are taking prescribed or over the counter medication which may affect their ability to drive, they must inform their line manager immediately and they will be required to refrain from driving duties.

It is recognised that some prescription drugs can be addictive. In such cases, the Town Council may offer reasonable support in line with this policy, where appropriate and practicable.

## **8. Confidentiality**

All results and information in relation to drug and alcohol testing will be dealt with in strict confidence and released to an appropriate manager, the employee themselves and HR.