



Alcohol and Substance Misuse Policy

Signature:.....
Chair of Governors

Name:.....

Date:.....

Signature:.....
Executive Headteacher

Name:.....

Date:.....

Adopted March 2017

Staffordshire County Council		HR Policy Handbook		
Reference Number HR 54	Issue 1	Approved By H&S Forum	Date October 2010	Review Date October 2012
Policy Title	Alcohol and Substance Misuse			

Contents

1. Application
2. Introduction
3. Aims and Objectives
4. Definitions
5. Arrangements for Applying the Policy
 - 5.1 Standards of Behaviour
 - 5.2 Support
 - 5.3 Confidentiality
 - 5.4 Sickness
 - 5.5 Treatment
 - 5.6 Return to Work
 - 5.7 Relapse
 - 5.8 Challenging Misuse of Alcohol, Drugs and Substances
 - 5.9 Testing
 - 5.10 Disciplinary Process
 - 5.11 Information and Training
 - 5.12 Contractors
6. Monitor and Review
7. Legislative Framework
8. Further Advice and Information
9. Related Factsheets
10. Standard Documents
 - Appendix 1** The Misuse of Drugs Act 1971
 - Appendix 2** Guidelines for Identifying Alcohol and Substance Misuse
 - Appendix 3** National Helpline Numbers
 - Appendix 4** Alcohol Testing Procedures
 - Appendix 5** Breath Test Information
 - Appendix 6** Record of interview regarding "For Cause" testing
 - Appendix 7** Example Behavioural Agreement
 - Appendix 8** Frequently Asked Questions
 - Appendix 9** Costs of Testing

Version Control

Version	Date Approved	Changes	Reason for Alterations
Issue1	January 2010	New Corporate Policy to replace directorate policies and guidance.	Development of corporate policy
Issue 1.1	October 2010	Alterations to testing process	Awarding of contract for testing

Success Indicators

The following indicators will demonstrate the level of compliance with this policy and its procedures;-

- a) Each Manager is aware of the policy.
- b) Employees are aware of the Standards of Behaviour expected by the County Council.
- c) Employees with an alcohol or a substance misuse problems are encouraged to seek early help.
- d) Managers identify and challenge inappropriate standards of behaviour therefore preventing unacceptable risks situations.
- e) Council is in a position to support employees in return to work.

1. Application

This policy covers all employees of the County Council. Agency staff will also be advised of this policy and that impairment resulting from the misuse of alcohol or substances will not be tolerated. The use, possession, production or supply of illegal drugs on site is never tolerated and will be reported to the Police.

2. Introduction

The welfare of its employees is important to the County Council. In the first instance, and for as long as this continues to be productive, the Council will respond to alcohol or substance misuse problems as a health issue. Someone who misuses alcohol or substances can put themselves, their colleagues and service users at risk of harm and it is with these matters that we, as an employer, are concerned.

The purpose of this policy is to reduce the detrimental effects that can be caused by alcohol or substance misuse such as accidents, incidents, absenteeism, reduced productivity, legal costs, public and client alienation and business reputation.

3. Aims and Objectives

- To promote an understanding of the effects and risks associated with misuse of alcohol and drugs, including prescribed medication, by providing employees with information.
- To encourage employees with an alcohol or a substance misuse problem to seek early help.
- To enable supervisors and managers to identify job performance problems that may be attributable to the effects of alcohol or substances and take the appropriate action through the provision of training in attendance management. (see appendix 2).
- To ensure that service users or colleagues are not put at risk as a result of an alcohol or substance misuse by employees.
- To communicate to employees that concealing, condoning or colluding with colleagues having problems related to alcohol or substance misuse is counterproductive, does not help the individual and is incompatible with this policy.
- To make available appropriate assistance – in the form of confidential support, advice and counselling to employees who suspect or know that they, or colleagues, have or may be developing a dependency problem.

4. Definitions

Substance – covers legal substances such as alcohol, over the counter medication, prescription drugs such as codeine, and workplace chemicals such as solvents, as well as illegal drugs such as cannabis, cocaine and heroin.

5. The Arrangements for Applying the Policy

5.1 Standards of Behaviour

The following statements express how the County Council expects employees to conduct themselves in order to ensure that alcohol or substance misuse does not have a detrimental effect on their work, irrespective of the nature of that work.

- a) The Council acknowledges that the use of alcohol outside of working hours remains the choice of the individual, although employees are urged to follow health guidelines relating to its use. However, either before or during periods of duty employees should not consume alcohol or substances that will cause impairment or impact upon their ability to work safely and/or to required standards.
- b) Just as staff should ensure that their conduct and performance in the workplace is not impaired, so staff on Council business away from Council premises must ensure that the use of alcohol does not result in

professional misconduct or impairment, and does not compromise either their own safety or the safety of others.

- c) It is not acceptable that staff will use alcohol for personal use during working hours or on business premises.
- d) The possession, use, production or supply (selling or giving) of illegal drugs on site will not be tolerated. Aside from being a serious breach of this policy, justifying disciplinary action, such conduct is also a criminal offence and any instances will be reported to the police in line with our statutory responsibility under the Misuse of Drugs Act 1971. All premises to display appropriate signage to inform staff and visitors of the council's stance.
- e) It is the responsibility of employees in consultation with their GP or Pharmacist to ensure that prescribed or over the counter medication does not impact upon their conduct or ability to work safely or to required standard during periods of duty. Any employee with concerns in this regard should confer with their manager; the manager will determine whether any further action would be appropriate, such as an adjustment to duties and/or referral to Occupational Health.
- f) Vehicle drivers have responsibilities under the Road Traffic Act 1991 which sets the legal limit for driving at 35 micrograms of alcohol in 100 millilitres of breath (or 80 milligrams of alcohol in 100 millilitres of blood) and the Road Traffic Act 1988 where a person must not drive, attempt to drive or be in charge of a motor vehicle under the influence of a substance (drugs or alcohol). The Occupational Road Risk Policy HR108 and Driving for Work Guidance (to be launched shortly) requires that drivers do not consume any alcohol during the working day and drivers should be aware that alcohol from drinking the day before can still be in the blood for an indeterminable time. Managers who suspect that an employee is in breach of this legislation must take suitable action and where necessary report this to the police for investigation.

5.2 Support

The County Council, as a responsible employer, will facilitate help and advice with rehabilitation for those seeking it, and will encourage employees who suspect or know they have an alcohol or substance misuse problem to take advantage of the support offered.

Managers who identify instances of apparent misuse must ensure that their response is open-minded, confidential and sympathetic. They are responsible for ensuring that the employee is aware of the sources of support available and how to access them, which in most instances will be via the Occupational Health Unit. Managers must balance this with their responsibility to ensure health and safety management in the workplace. If the individual is in a safety critical role they must also implement Section 5.8 and challenge the misuse of alcohol /substances.

Absences for assessment or treatment will be recorded as 'a medical appointment' in accordance with the councils Managing Attendance at Work Policy.

Where an individual employee is referred to Occupational Health by their line manager, Human Resources or is interviewed as a result of disciplinary action they have the right to be accompanied by their Trade Union representative, work colleague, or professional advocate. In relation to Occupational Health appointments employees will have an initial discussion with the occupational professional privately and then trade union/other individuals can join the appointment.

Employees seeking support with alcohol/substance misuse will be requested to enter into a behavioural agreement. (See Appendix 7) This is to ensure that all parties are clear on the terms upon which support is offered and the potential consequences of failure to adhere to the agreement.

5.3 Confidentiality

Any employee with an alcohol or substance misuse problem will be treated in confidence subject to the provision of the law.

Information will only be shared amongst services involved in treatment and support if a consent form to that effect has been signed by the employee. The purpose of reports from Occupational Health will be to provide managers with a medical opinion of the employee's capability to undertake their job. Information will only be provided to a manager by Occupational Health following discussion with the employee.

5.4 Sickness

Absence for alcohol or substance misuse treatment and rehabilitation will be regarded as normal sickness. It is expected, if an employee is signed off as sick due to alcohol or substance misuse problems, that treatment is received during that period and that management are kept fully informed of treatment processes and outcomes.

5.5 Treatment

If an employee requests or is offered help and support having identified an alcohol or substance misuse problem, support and advice on treatment services will be offered without undue delay. Employees are encouraged to enlist confidential help by referral through Human Resources and Occupational Health who will approve the use of external specialist treatment and monitor the progress of the employee in conjunction with their manager.

Employees attending appointments for treatment should give reasonable notice to their manager. The absences for treatment will be recorded as 'a medical appointment' in accordance with the council's Managing Attendance at Work Policy.

5.6 Returning to Work

When an employee returns to work they will be offered support in re-integrating back into the workplace, safely. During this period of assistance, and where this would assist rehabilitation, the employee will be considered for redeployment to other duties. Alternatively, adjustments to current duties may be considered, especially where it is felt that there are safety issues related to their re-integration. In certain instances, recertification of license to drive may be required before the employee can return to their contractual duties. This will be in accordance with the Council's HR108 Occupational Road Risk Policy and Driving for Work Guidance as well as DVLA standards regarding fitness to drive.

5.7 Relapse

The Council recognises that relapses may recur during the period of recovery, which may lead to a person returning to misusing alcohol or the substance they had previously stopped using. Should this occur, the County Council will continue to offer support towards full recovery as in the first instance. If the offer of support and treatment is not taken up, or where there is little or no evidence of change and improvement, then recourse may be made to the disciplinary procedure.

Employees who refuse or discontinue with treatment/professional help, despite their attendance/performance continuing to be affected, must understand this will be addressed in accordance with the Managing Attendance at Work Policy/Disciplinary Policy.

5.8 Challenging Misuse of Alcohol, Drugs and Substances

Where there are concerns regarding the misuse of alcohol or substances the manager will speak to the employee privately. The manager should inform him/her of the suspicion that he/she may be unfit to work through the effects of alcohol, drugs or other substance and arrange for him/her to be relieved of duty immediately. An interview will then be held between manager and employee. The manager should note the employees response and where appropriate should contact the testing service. If the manager is satisfied that alcohol/substances is not the cause for the behaviour and there are other reasons then testing may not be appropriate. Managers must make this decision on an individual basis and should make a record of the discussion on the Record of initial Interview regarding "for cause" testing HSF 61. .

Managers must then seek advice from HR Advisors regarding the longer term management of the situation. HR Advisors will be able to advise whether the individuals should be suspended from duty as a neutral act pending formal investigation inline with the Discipline Policy.

In conjunction with HR the Manger will decide if police involvement is required as detailed in 5.1 of this policy.

5.9 Testing

This section only applies to staff in safety critical roles as defined in section 5.9.1 of this document.

The County Council has established testing procedures to support managers in having an additional option to confirm an individual is under the influence of alcohol.

It is not always practicable to undertake testing. Not having undertaken testing does not preclude management action and Managers are expected to follow the procedure detailed in Section 5.8.

The council will take action, in the form of seeking consent for testing for the presence of alcohol (Council does not operate testing, at this stage, for drugs) if they have cause to believe that an employee, in a safety critical role, is under the influence of alcohol, breaking the law, or whose standards of behaviour are increasing the risk of harm to themselves or their colleagues. The testing of an employee will take place if both criteria for the test are met which are

- a) that the employee works in a role defined as safety critical and
- b) there is cause.

The position with regard to testing is:-**With cause for staff working in safety critical occupations.**

Where testing takes place, the individual will be invited to give written consent. Failure to give consent or refusal to provide a sample without good cause will be considered to be a breach of procedure and will lead to disciplinary action being taken, up to and including dismissal.

If employees refuse consent to be tested then managers must record this and must contact HR for advice and support and arrange an interview with the employee as detailed in Section 5.8 of this document.

Testing will be carried out by a competent independent contracted organisation who will send a Testing Officer to site following a request by the line manager.

The Testing Officer will, upon consent, take a breath test from the employee and record the results on Appendix 6.

Where an individual is found to be over the drink driving limit (35 micrograms of alcohol in 100 millilitres of breath) the employee will be informed. The testing officer will inform the Manager who will suspend the employee on full pay, pending further disciplinary investigations.

Managers should not try and stop the employee from leaving the workplace, but should advise them not to drive. It is **not** the manager's responsibility to remove the employee's car keys. However, if it is a council owned vehicle, it is appropriate to remove their authorisation to drive the vehicle and request return of the keys. A manager may try and help the individual to arrange transport by allowing access to the

telephone. If the manager believes that an employee is driving under the influence of alcohol they should contact HR regarding informing the police that an employee has potentially committed a criminal offence which may require the Police to investigate.

Taking no action places the manager in the position of having committed an offence by failing in their statutory duties under health and safety legislation

Where an individual is found to be under the drink driving limit (35 micrograms of alcohol in 100 millilitres of breath, but some level of alcohol is detected, the employee will be informed, and the level recorded. The manager will determine if it is acceptable for the employee to continue their duties, and then arrange a meeting to discuss any support the employee may need. If the cause for testing was serious misconduct, a return to work may not be appropriate.

If the result of the test detects no alcohol then the employee will be informed, and the manager will discuss any outstanding concerns regarding behaviour that led to them arranging testing. The employee is then able to return to work, unless serious misconduct was the original reason for testing. If serious misconduct was identified managers need to seek advice and guidance from HR as in these circumstances disciplinary procedures may need to be initiated.

Testing Service - Contact Details

ScreenSafe UK are the organisation appointed to undertake testing where the criteria “**With cause, for staff working in safety critical occupations**” is met.

To arrange for testing the manager should telephone the ScreenSafe coordinator on **08450 505590**. See Appendix 4 for more detail on the alcohol testing procedures.

Costs of Testing

The cost of testing will be met from budget of the business unit employing the individual to be tested and varies depending on the time of the call out. See Appendix 8 for details of the costs of testing.

5.9.1 Safety Critical

Safety critical refers to a position which requires the post holder to perform duties which are directly related to the safe operation or security of a facility, piece of equipment or vehicle, handling of chemicals, supervision of young people or vulnerable adults, or work at height or in confined spaces and which, if not performed properly, could result in a serious safety risk or environmental hazard to employees, service users, young people, a facility or the general public.

An employee who has the responsibility of supervising employees who perform such duties shall also be considered as occupying a safety critical position.

All customer-facing posts will be deemed to be safety critical due to the responsibility an employee has for a customer on council premises.

In addition to the above any employee who drives or may be expected to drive whilst undertaking their council duties will also be deemed to be safety critical.

5.9.2 With Cause

'With cause' means if an employee's conduct, behaviour, appearance etc give management due cause to believe that the employee is unable or unsafe to undertake their duties to required standards. (See appendix 2)

5.10 Disciplinary Process

The aim of this policy is to encourage people with problems to acknowledge the need for help and seek support and treatment in order that they can continue in work or return safely to work. Managers will be responsible for taking decisions about disciplinary action if:

- Help and support are refused and performance continues to be impaired
- Testing is refused without good cause
- If a positive test result is received

Any employee whose performance is impaired through drug or alcohol misuse could be subject to disciplinary action in accordance with the council's disciplinary procedure.

Action will be taken by the County Council in the case of the illegal possession, production or supply of drugs on any site and will be reported to the police.

5.11 Information and Training

All managers and staff will have access to the policy and in order to promote awareness and greater understanding publicity materials will be provided along with appropriate guidance and training. This will be organised on an ongoing basis by HR.

5.12 Contractors

Managers are expected to request that any contractor who appears to be affected by alcohol or substance misuse stop their activities. The contractor's employer should be contacted immediately and informed so that they can take suitable action regarding their employee. The person who arranged for the contractor to complete the work must also be

informed, so that they can discuss any actions required with the organisation.

6. Monitoring and Review

This policy will be monitored and reviewed periodically by the Council in consultation with the recognised trade unions.

7. Legislative Framework

1. The Health and Safety at Work etc Act 1974.
2. The Management of Health and Safety at Work Regulations.
3. Misuse of Drugs Act 1971 - The possession, supply (dealing whether selling or giving) or production of drugs on any site will be immediately reported to the police and action will be taken within the disciplinary procedures of the company. This law describes the most commonly misused substances in the UK (see Appendix 1). This Act also outlines that it is an offence for companies to allow their premises to be used for supplying or producing drugs and contravention carries severe penalties.
4. Road Traffic Acts 1991 and 1988 - The Road Traffic Act 1991 sets the legal limit for driving at 35 micrograms of alcohol in 100 millilitres of breath or 80 milligrams of alcohol in 100 millilitres of blood.
5. The Road Traffic Act 1988 states that a person must not drive, attempt to drive or be in charge of a motor vehicle whilst unfit through a substance (drink or drugs).

8. Further Advice and Information

This policy document is for general guidance only. If you need any further advice on how to apply this policy please contact your HR Team.

Further information and national helpline numbers are given in Appendix 3.

This information can be made available in a range of formats and languages, including Braille and large print. If this would be useful to you or someone you know, please contact your HR Manager.

9. Related Factsheets

- HR 11** – Discipline Policy
- HR 40** – Managing Attendance at Work
- HR 41** – Staff Counselling

10. Standard Documents

- Appendix 1** The Misuse of Drugs Act 1971
- Appendix 2** Guidelines for Identifying Alcohol and Substance Misuse
- Appendix 3** National Helpline Numbers
- Appendix 4** Alcohol Testing Procedures
- Appendix 5** Breath Test Information
- Appendix 6** Record of interview regarding “For Cause” testing
- Appendix 7** Example Behavioural Agreement
- Appendix 8** Frequently Asked Questions
- Appendix 9** Costs of Testing

Appendix 1

The Misuse of Drugs Act 1971

The most commonly misused substances in the UK have been classified under this Act.

The classifications identify the substances considered to be the most harmful to an individual and society.

Class A	Heroin
	Cocaine
	Crack Cocaine
	Amphetamine if prepared for injection
	LSD
	Magic Mushrooms*
Class B	Amphetamines
	Barbiturates
	Cannabis
Class C	Anabolic Steroids
	Tranquillisers
	Poppers
	Rohypnol GHB

*The new Drugs Act 2005 has changed the law so that now both fresh and prepared (e.g. dried or stewed) magic mushrooms are classified as Class A drugs.

Guidelines for Identifying Alcohol and Substance Misuse

Alcohol and substance misuse is not restricted to any particular section of the community. Remember that those who misuse alcohol and substances may be difficult to identify. Remember those who misuse alcohol and substances don't all fit the stereotypical view.

The earlier an individual's problem can be identified the more likely it is that he or she can be successfully helped to overcome it.

Work related problems often caused by alcohol or drugs may include the following, but other factors could also cause similar behaviour.

This is not an exhaustive list and it should be used sensitively by managers, as these can also be indicators of other health/personal problems.

Absenteeism

- Multiple instances of unauthorised absence.
- Excessive sick leave.
- Frequent and/or unexplained absences
- Poor timekeeping
- Regularly leaving work early.
- Peculiar and increasingly improbable excuses for absence.
- Repeated absences from the post, more than the job requires, including frequent trips to the cloakroom etc. and overlong coffee breaks.

High Accident Rate

- Accidents at work.
- Accidents off the job e.g. at home or travelling to work.

Appearance/Mental State

- Pallor or flushed face and bleary eyes.
- Pinpoint or dilated pupils.
- Smell of alcohol.
- Excitability/depression.
- Hand tremors.
- Inappropriate behaviour, swearing, mood swings (which appear out of character).
- Increasingly unkempt appearance, lack of hygiene.
- Aggression/fear/guilt.

Deteriorating Efficiency

- Missed deadlines.
- Mistakes due to inattention or poor judgement.
- Making bad or incorrect decisions.
- Complaints from colleagues or members of the public.
- Unlikely excuses for poor job performance.
- Increasing unreliability and unpredictability and difficulty in recalling instructions.

Poor Employee Relations

- Over reaction to real or imagined criticism.
- Irritability.
- Complaints from colleagues and co-workers.
- Borrowing money from co-workers.
- Dishonesty/over-justification.

In some cases an employee with a drink or drug problem may come to your attention through an incident of poor behaviour at work with varying degrees of associated misconduct. Obviously each case must be considered individually depending on the person's job, their previous pattern of behaviour and the nature of the incident involved.

Appendix 3

National Helpline Numbers

Drinkline	0800 917 8282
National Drugs Helpline (FRANK)	0800 77 66 00
Adfam (Families and Friends)	020 7928 8898
Alcoholics Anonymous Helpline	0845 769 7555
Narcotics Anonymous	020 7730 0009

Websites with Search Facilities

England	The websites which provides a search facility for treatment services in England are: www.alcoholconcern.org.uk DrugScope
Scotland	The Drugscope site also includes a link for searching in Scotland which can be accessed at the Scottish Drugs Forum: www.sdf.org.uk
Wales	Services throughout Wales are listed in a directory provided by the National Assembly for Wales: National Assembly for Wales Cardiff Bay Cardiff CF99 1NA Tel: 02920 825111 www.wales.gov.uk It is advisable to obtain a copy when required as these directories can quickly become out of date.

Local Support Agencies

Staffordshire

ADSIS Alcohol & Dependency Specialists
0844 561 7079

ADSIS Alcohol & Dependency Specialists
Hanley 01782 271096
Leek, Biddulph, Cheadle 01782 271096

T3 Dedicated Young Peoples Service
01785 241393

Alcohol Testing Procedures

Where a manager has just cause to suspect an employee, in a safety critical role, is unable or unsafe to undertake their duties to required standards as a result of alcohol they can request an alcohol test to be administered. Testing will be carried out by a competent independent contracted organisation who will send a Testing Officer to site following a request by the line manager. The Testing Officer will be expected to question the manager's grounds for the request in order to establish the degree of reasonableness.

Some examples of circumstances where this may be appropriate are:

- Obvious signs of mental and/or physical impairment;
- Recognition by managers, supervisors or colleagues of symptoms affecting work performance;
- Complaints from the public or service users indicating that alcohol may be a factor;
- The discovery of items in possession by an individual that could indicate involvement with alcohol;
- Smelling of alcohol;
- After an accident or incident.

Refer to appendix 2 for further information on identifying alcohol and substance misuse.

Steps to be taken

1. The manager will speak to the employee privately. Inform him/her of the suspicion that he/she may be unfit to work through the effects of alcohol and arrange for him/her to be relieved of duty immediately. A discussion will then be held. If after this discussion the manager still has cause for concern the individual will be requested to undertake an alcohol breath test.
2. The manager should contact the Testing Organisation by calling **08450 505590** who will arrange the testing.
3. The employee will be asked to remain on site in order to make themselves available for the testing. The manager will also be required to remain on site.
4. Prior to testing the donor will be required to show photo id. If this is not possible managers will be asked to confirm the identity of the donor.
5. With cause tests for those in safety critical roles will be subject to on-site breath test which allows all individuals who test negative to be informed accordingly and allowed to resume work immediately.
6. If the on-site test is positive for alcohol, the individual will be told of the results.
7. Where an individual is found to be over the drink driving limit (35 micrograms of alcohol in 100 millilitres of breath) the employee will be offered a short intervention in terms of advice about the local support available to them and their family. The testing officer will inform the Manager of the results. The manager will contact directorate HR who will

Appendix 4

discuss the appropriate action to take, pending further disciplinary investigations.

8. Where an individual is found to be under the drink driving limit (35 micrograms of alcohol in 100 millilitres of breath, but some level of alcohol is detected, the employee will be informed, the level recorded and advice provided. The manager will determine if it is acceptable for the employee to continue their duties, and then arrange a meeting to discuss any support the employee may need. If the cause for testing was serious misconduct, a return to work may not be appropriate.
9. If the result of the test detects no alcohol then the employee will be informed, and the manager will discuss any outstanding concerns regarding behaviour that led to them arranging testing. The employee is then able to return to work, unless serious misconduct was the original reason for testing.

Arrangements required for testing

Managers should ensure that a room is made available for the testing process which has two chairs, a desk and will remain private once the testing procedure has begun.

Challenging Test Results

If an employee wishes to undertake a formal challenge to an alcohol test they must put their request in writing to their Directorate HR within 10 working days of receipt of notification of the confirmed positive result, who will review the procedure followed.

Breath Test Information

Alcohol Testing

It is important that you fully understand the process of alcohol testing using breath. You should therefore take a moment to read this sheet. If you have any questions regarding this procedure, or you do not understand a particular part of the process, please ask the testing officer.

Background

Drugs and alcohol now play a part in many people's lives. Your employer has a responsibility to ensure that drugs or alcohol do not affect performance at work and thereby put you and your colleagues at risk of harm. As part of the Council's drug and alcohol policy you have been requested to provide a sample of breath for alcohol analysis.

How will samples be collected?

All alcohol screening must follow strict chain of custody procedures which are legally defensible. Proper chain of custody means that the sample is collected in the right way and that sample is not compromised in any way from collection all the way through to the result being issued. If you are being screened for alcohol, this will be carried out using a sample of breath. The results of the alcohol test will be available within minutes of the test being carried out.

Will I have to provide any information to the collection officer?

Your identity will be confirmed by a management representative, alternatively you will be asked to show photographic proof of identity which may include company ID, passport, security photocard or driving licence. If employee does not have photo id with them, a witness e.g. line manager may be asked to confirm identity.

What is the process for alcohol screening?

You will be asked to give your consent to a sample of breath being taken. You will be informed of any presence of alcohol detected. If the test result is above 0.00mg/L you will be required to provide a second sample..

Failure to give consent or refusal to provide a sample of breath, without good cause will be considered to be a breach of procedure and will lead to disciplinary action being taken up to and including dismissal.

READ THIS BEFORE YOUR TEST

Record of initial interview regarding “For Cause” testing

Employees name		
Job title		
Pay reference number (if available)		
Home address:		
Tel No:		
Line manager details		
Cause/reason for testing		
Employee role safety critical?	Yes	No – if no testing is not applicable.
Employee’s response to Manager’s concerns		
Testing Service called	Time	Estimated time of arrival
Action taken if testing not undertaken		

Employee declaration

I confirm that the information I have provided is true and that should I provide any false information regarding this matter then this may result in disciplinary action.

Employee signature:

Manager’s signature

Post test action

Test Result	Negative result	Positive for alcohol below 35 micrograms per 100ml of breath	Positive for alcohol above 35 micrograms per 100ml of breath
Action taken by manager			
Advised employee not to drive	YES/NO		
Managers should see point 5.9 of the policy if an employee drives a motor vehicle after producing a test result for alcohol above 35 micrograms per 100ml of breath.			
Any further information			

Example Behavioural Agreement

This agreement outlines the behaviours required to ensure that you make progress towards rehabilitation and successful return to work.

Whilst this behavioural agreement is in place your condition will be treated as an illness.

Employee Name	
Date	
Support/Treatment Agreed	
Behaviours agreed during support and treatment undertaken	<p style="text-align: center;">Examples</p> <ol style="list-style-type: none"> 1. Not to drink alcohol at level likely to interfere with health and performance at work 2. Attend appointments with Occupational Health/other professional service 3. Comply with treatment regimens

Your work performance will be monitored as agreed with your line manager

It is essential that you adhere to this agreement. Failure to do so may result in disciplinary action.

Acceptance

Employee Signature		Date	
Occupational Health Representative Name & Signature		Date	

Frequently Asked Questions.

Employee FAQ's

Q 1. If I consider another employee smells of alcohol what should I do?

It is important to raise concerns with the employee's manager. The manager can then, in a sensitive manner, discuss this matter with the employee directly and identify if any action or support is required. Your report will be dealt with in a confidential manner.

Q.2. Can I have a drink at lunch time and return to work?

All drivers must be aware of the low levels of alcohol permitted before they are in breach of the Road Traffic Act 1991. If you are in a safety critical job or drive in the course of work, you are reminded that any alcohol has a detrimental effect on judgement and reactions and you therefore must not consume any alcohol prior to undertaking safety critical work or driving.

If you are not in a safety critical role or driving you must still consider how the detrimental effect that alcohol has on judgement and reactions and how this will affect your work and behaviour.

Manager FAQ's

Q 1. An employee refuses to provide consent to alcohol testing?

It is important that if manager's wish to initiate testing for alcohol that they have established both that the employee is in a safety critical role and there is cause (see section 5.9.1 & 5.9.2 of this document.)

Consent is required to take a sample of breath. If consent is not provided this must be recorded and the employee suspended pending investigation.

Inappropriate behaviours from employees in both critical and non critical roles should be challenged and discussed by managers. Human Resources can support managers during this process.

Q 2. The employee leaves the premises before the testing officer arrives?

Managers can only request that employees remain on site to await the testing officer. This should be managed sensitively to prevent embarrassment and anger. Managers should not try and stop the employee from leaving the workplace, but should advise them not to drive. It is not the manager's responsibility to remove the employee's car keys. However, if it is a council owned vehicle it is appropriate to remove their authorisation to drive the vehicle and request return of the keys. If a manager strongly believes that an employee is under the influence of alcohol and they drive when they leave the site managers are advised to inform the Police. Taking no action in these circumstances places a manager in the position of having committed an offence by failing in their statutory duties under health and safety legislation.

Leaving the site before testing will be treated as refusal of consent to testing - see answer to question 2.

Q 3. The alcohol testing service is not available when required/ I suspect substance misuse what action should I take?

Managers do not have to undertake testing to take action. It is important to challenge the behaviour with the employee and seek support and advice from Human Resources.

Not having undertaken testing does not preclude management action and Managers are expected to follow the procedure detailed in Section 5.8. Managers do not need a positive test result to stop the employee they have concerns about undertaking duties that could affect the health or safety of another person.

If the individual admits to alcohol consumption and agrees it has affected their attendance/behaviours/performance testing serves no purpose.

Q 4. I believe that an employee has driven for work purposes and I now suspect they are under the influence?

If you become aware that an employee is driving and you suspect they are under the influence of alcohol or substances, advise the employee not to drive. Remove authorisation to drive council owned vehicles and contact Human Resources regarding informing the police that an employee has potentially committed a criminal offence which may require the Police to investigate.

Taking no action places you in the position of having committed an offence by failing in your statutory duties under health and safety legislation.

Q 5. Other employees are asking questions regarding what is happening to the employee being tested. What do I tell them?

The details of your investigation, testing and support arrangements are confidential and must not be disclosed. It is recommended that you discuss with the employee what information they wish their colleagues to be informed.

Q.6. How should managers deal with employees who become violent or aggressive?

Where managers believe that an employee may display violent or aggressive behaviour they should ensure that this risk is considered in the way they approach the individual.

Reference should be made to the Management of Guidance for Violence and Aggression Risk Reduction Measures:

<http://www.intra.staffordshire.gov.uk/hs/policy/Managementof+violenceandaggression.htm>

Should an employee display behaviours of a violent or aggressive nature, managers should remove themselves and others from the situation. Where an employee becomes violent managers may have to consider police involvement.

Q.7. When would it be appropriate to use suspension?

In general, suspension of any employee can cause great distress and so must only be used as a last resort e.g. if as a result of alcohol or substance misuse it can be shown that the employees continued presence at work will put them or others at personal risk.

In line with the relevant Scheme of Delegation the relevant manager may consider a short period of suspension from work and in all cases this would be with full pay Human Resources must be contacted at the earliest opportunity where suspension is a consideration. A manager can still remove an individual from an activity or send them home whilst the situation is considered, with suspension being confirmed once appropriate delegation received.

Q.8. How should time off be managed/recorded?

Generally speaking, hospital/clinic appointments would not usually be classed as sickness absence but this depends on the nature and/or duration of the appointment. If the appointment was the first with a consultant it would be classed as Authorised Absence. Flexi time should be used for any follow up appointments, and where this is not possible it should be treated as authorised **unpaid** absence.

Appendix 8

Should an employee feel unwell following such an appointment/treatment and take time off, this should be recorded as sickness absence? Always refer to HR for advice.

Q.9. How should the absence be recorded for where the employee requires treatment as an inpatient for rehabilitation?

This should be recorded as sick leave and treated accordingly for Bradford score purposes, as would be the case with any usual medical admittance to hospital.

Appendix 9

Costs of testing

The costs of testing will be met from the budget of the business unit employing the individual.

Call out including breath test 08.00 – 18.30 Monday to Friday.	£180 Additional tests £7.50
Call out including breath test 18.30 – 08.00 Monday to Friday, all day Saturday, Sunday and all Bank Holidays.	£260 Additional Test £10.00