



REPORT TO EMPLOYMENT PANEL

PORTFOLIO AREA: GOVERNANCE AND RESOURCES

Date of Meeting: 4th April 2011

Public

Inside Policy Framework

Title: Abuse Of Drugs & Alcohol Policy Update Consultation
Report of: Assistant Director (Governance)
Report ref: GD.28/11

Summary:

The Report seeks to update the Council's existing Abuse of Drugs & Alcohol Policy which was written in 1990. The revised Policy has been updated to more accurately reflect current terminology and has also been amended to more clearly identify how the Council proposes to address the issue of those employees whose work may be compromised by the misuse of alcohol or drugs.

Recommendations:

That the Employment Panel approves the draft Abuse of Drugs and Alcohol Policy for consultation with Staff and Trade Unions.

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Note: in compliance with section 100d of the Local Government (Access to Information) Act 1985 the report has been prepared in part from the following papers: None

1. BACKGROUND INFORMATION AND OPTIONS

- 1.1 The original Abuse of Drugs and Alcohol Policy has been in existence for the last 21 years. It was written specifically to support employees identified as having a drink or drug problem. However in the last few years there have been occasions when managers have suspected that a small number of employees may have potentially been under the influence of alcohol / drugs whilst at work. Our original policy does not clearly state the consequences of failing to abide by the policy content or the means available to managers to establish any suspected contraventions.
- 1.2 The policy has been updated to address inaccuracies of content where references to organisation that no longer exist have been replaced with current organisations. It also provides clearer information for managers to address employees whose work may be compromised by the misuse of alcohol or drugs. The revised document is appended to the Report and original text, as per the 1990 policy, is highlighted. New proposals by way of additional text have not been highlighted.
- 1.4 With regard to the Management of Road Risk Policy formally agreed in 2010 clear reference was made under section 4 (4.1 – 4.4) “Fitness to drive” as to the requirements and consequences of employees misusing alcohol and/or drugs. This included that “drivers may be subject to random checks to confirm their fitness to drive on City Council business”. Section 2.1 (x) of the updated Abuse of Drugs and Alcohol Policy highlights the means available to managers to establish any suspected contraventions of this policy.
- 1.5 Within the updated Abuse of Drugs and Alcohol policy this inference is broadened to take account of all employees whose misuse of drugs or alcohol may affect their judgement, safety awareness and work performance adversely. It also references that such employees not only put themselves at risk but can also place fellow employees, customers or members of the public at potential risk. This is particularly true for employees who use “higher risk equipment” such as chainsaws, vehicles and the like. However impaired judgement may also have very serious consequences in other circumstances, for example, an employee surveying for underground high voltage cabling incorrectly interprets the information thereby putting his fellow colleagues undertaking the excavations at potential risk of electrocution.

2. CONSULTATION

Formal consultation will take place with the Trade Unions and Staff.

The results of the consultation will be brought back to the employment panel.

3. RECOMMENDATIONS

That the Employment Panel approve the draft Abuse of Drugs and Alcohol Policy for consultation with Staff and Trade Unions.

4. REASONS FOR RECOMMENDATIONS

To provide a more robust framework to support employees and help managers to deal with Drugs and Alcohol abuse.

5. IMPLICATIONS

- Staffing/Resources – Future training for a number of key employees to legally use the equipment for determining the levels of alcohol & or drugs within an employee suspected of being over any prescribed legal limits. E.g. 80mg / 100g of alcohol.
- Financial – None.
- Legal – The Abuse of Alcohol and Drugs Policy will be incorporated as a term of employment and, as such it is required to be consulted upon by the appropriate methods, usually the trade unions and/or staff. More generally, the Council has an obligation to ensure that its workforce are safe and competent to be at work and also that service users and other staff receive a service/work with colleagues in an environment in which risk is managed and reduced as far as reasonably practicable.
- Corporate – The revised policy promotes the good management of the Council as an organisation.
- Environmental – N/A
- Crime and Disorder – The proposal is more relevant to our internal operations but it will also assist in preventing criminal activity of the type related to driving under the influence, for example.
- Impact on Customers – N/A
- Equality and Diversity –

Impact assessments

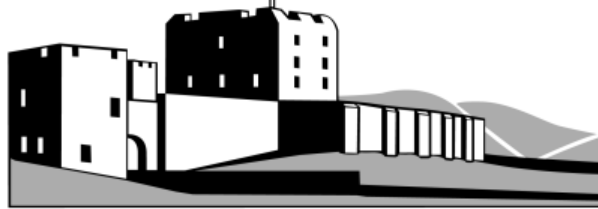
Does the change have an impact on the following?

| Equality Impact Screening | Impact Yes/No? | Is the impact positive or negative? |
|--|----------------|-------------------------------------|
| Does the policy/service impact on the following? | | |
| Age | No | |
| Disability | No | |
| Race | No | |
| Gender/ Transgender | No | |
| Sexual Orientation | No | |
| Religion or belief | No | |
| Human Rights | No | |
| Social exclusion | No | |
| Health inequalities | No | |
| Rurality | No | |

Although there is no evidence of discrimination in application of the existing scheme, it has been demonstrated to be unfair and inconsistent with our pay policy.

ABUSE OF DRUGS AND ALCOHOL

**CARLISLE
CITY COUNCIL**



www.carlisle.gov.uk

JANUARY 2011

ABUSE OF ALCOHOL, DRUGS AND OTHER SUBSTANCES

1. INTRODUCTION

Carlisle City Council expects its employees to arrive at work in a fit and appropriate state with no impairment from the misuse of alcohol or drugs. Employees who misuse drugs or alcohol may have their judgement, safety awareness and work performance adversely affected. Any such employees put themselves at risk and can also be a danger to their fellow employees, to customers and to members of the general public. The City Council has a statutory duty under the Health and Safety at Work etc Act 1974 to ensure the Health & Safety at work of all its employees and others who may be affected by its Acts or Omissions.

Dependence on alcohol or drugs is recognised as an illness which, unlike some other illnesses, may be controlled by the individual. The use of these substances, (whether or not a state of dependence has been reached) affects the mental and physical functions, particularly co-ordination, speed of reaction, judgement and emotional behaviour.

2. POLICY

2.1 Statement

It is the express policy of Carlisle City Council:

- i. To increase awareness amongst employees of the problems associated with alcohol, drugs and other substances.
- ii. To assist any employee who brings to their line manager's attention their dependency on alcohol or drugs, and who are prepared to seek treatment to overcome their dependency.
- iii. Not to allow any employee to work within any of its sites or at any location at which they are engaged to carry out work, whilst their performance is impaired by the misuse of alcohol or drugs.
- iv. To require any employee taking prescription drugs that may impair their performance or judgement to inform their manager. As this is an essential health and safety precaution, failure to do so may result in disciplinary action being pursued.
- v. That any employee who attends work and whose efficiency, performance or behaviour is affected by alcohol or drug abuse will be dealt with in line with the City Council's Disciplinary Policy. The offence will be regarded as gross misconduct which could lead to dismissal.
- vi. To reserve the right to redeploy into a suitable alternative post, or if no such post is available, to suspend on full pay, any employee undergoing treatment whose normal duties are safety critical or commercially sensitive.
- vii. To assist managers to identify problem drinkers/drug takers.
- viii. To require any employee with a drink/drugs problem to restore his/her standard of performance to an acceptable level within a reasonable timescale.
- ix. To prohibit the drinking of alcohol on City Council premises or any City Council work location (including Council vehicles) during working hours. The only exceptions will be in the case of business entertainment or other functions involving employees and, or, Members where the Assistant Director or more senior person has authorised the event.

- x. To reserve the right where, in the opinion of management, there are reasonable grounds to believe that a member of staff may be under the influence of alcohol or drugs, to perform tests for alcohol and drugs misuse and to deal with any infringements thereby identified in accordance with the City Council's Disciplinary Policy. Any refusal to participate in such a test may result in disciplinary action.

2.2 Awareness

The City Council will endeavour to create a climate to ensure maximum effectiveness of its policy by increasing employee awareness of the problems related to alcohol, drugs, etc. It will do this by:

- i. Supplying appropriate health education material to employees.
- ii. Demonstrating management action on the policy.
- iii. Publishing names and addresses of local counselling services in the field of alcohol and drug abuse.

2.3 Identification

Although responsibility for the confirmation of alcohol/drugs dependency lies with the City Council's occupational health provider, initial identification of problem drinkers/drug takers may lie with management/colleagues/employee representatives. This would normally emerge through day to day contact with the employee and through the application of such procedures as those dealing with ineffective staff, absence control and disciplinary matters.

Identification of problem drinkers/drug takers, including those who have been the subject of any disciplinary investigation, should be followed by action to assist the employee concerned to overcome the problem.

2.4 Assistance

The City Council will assist an employee identified as having a drink/drugs problem through:

- i. An initial interview, helping the employee to accept and acknowledge that they have a problem.
- ii. The offer of skilled help, advice and referral for treatment through the Area Health Authority or the appropriate voluntary organisation on the clear understanding that the employee wishes to have such help.

ANY SUCH REFERRAL WILL BE DEALT WITH ON A CONFIDENTIAL BASIS IN THE SAME WAY AS ANY OTHER ILL HEALTH REFERRAL.

- iii. If any treatment requires absence from work, the absence will be treated as 'sickness' for sick pay purposes.

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| <p>If you require any further information with respect to this policy please contact Personnel</p> |
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