

Agenda Item:

Staffing Committee

Insert
Item
No.

Dorset County Council



Date of Meeting	30 January 2017
Officer	Head of Human Resources and Organisational Development
Subject of Report	Revision to Alcohol, Drugs and Substance Misuse Policy
Executive Summary	<p>The original alcohol and substance misuse policy was introduced in 2003. Since that time there's been a marked shift in the types of drugs and substances available coupled with a change in legislation. The development of improved drug testing technology preceded an increase in the number of drug driving offences recorded in the UK.</p> <p>DCC employs a small but significant number of people in safety critical roles, including winter gritter drivers, HGV drivers, road workers and arboriculturalists (tree surgeons who use chainsaws). We have a legal duty of care both to employees and the public to ensure that we operate our services safely.</p> <p>The Glasgow bin lorry incident reminds us of the devastating impact that can occur when attention isn't given to driver's health and wellbeing. DCC wishes to introduce alcohol, drugs and substance misuse testing in a proportionate, fair and supportive way. The aim being to prevent injury and assist individuals to make healthier life choices, rather than the primary focus being punitive. This stated our first priority will always be the protection of employees and public.</p> <p>DCC are working with industry experts in the implementation of the policy, including Occupational Health, Public Health, Trade Unions, Health and Safety, an Accredited external testing company as well as advice from other councils who have implemented a testing process.</p> <p>We wish to seek Staffing Committee approval for DCC to introduce testing for alcohol, drugs or misuse of substances in specific circumstances. If</p>

Updated Alcohol and Substance Misuse Policy

	agreed, we will continue to consult with unions on the plans for implementation.
Impact Assessment:	<p>Equalities Impact Assessment:</p> <p>An EQIA is included as Appendix 1, pending approval by the Directorate Equality Group</p>
	<p>Use of Evidence:</p> <p>Sources: Automobile Association, Edmund King OBE, AA President CIPD report “managing drug and alcohol use at work” Freedom of information request, BBC, 2016 THINK! Department of Transport. Legislation: Psychoactive Substances Act 2016</p>
	<p>Budget: Estimated cost for Environment and Economy is between £2k and £4k per annum. Estimated cost for DWP is £3 to £5k per annum. The costs will be met by the relevant Directorate. The final costs will depend on the type and number of tests undertaken.</p>
	<p>Risk Assessment:</p> <p>Current Risk: LOW Residual Risk LOW / VERY LOW (i.e. reflecting the recommendations in this report and mitigating actions proposed)</p>
	<p>Other Implications: Not applicable.</p>
Recommendation	<p>It is recommended that Staffing Committee:</p> <ul style="list-style-type: none"> i) notes the legislative and societal reasons for introducing testing ii) agrees to introduce alcohol, drugs and substance misuse testing subject to completing Trade Union consultation and following professional advice iii) requests a revised alcohol and substance misuse policy is brought to Staffing Committee for approval iv) requests a review paper is brought to Staffing Committee 12 months post implementation.
Reason for Recommendation	To promote a healthy and safe working environment and to protect the public from harm
Appendices	Appendix 1: Equality Impact Assessment
Background Papers	None
Report Originator and Contact	<p>Name: Paul Loach, HR Business Partner Tel: 01305 225189 Email: paul.loach@dorsetcc.gov.uk</p>

Sheralyn Huntingford
Head of Human Resources and Organisational Development
 January 2017

1. Introduction

- 1.1 The original drugs and substance misuse policy was approved by Staffing Committee in 2003. A revised policy is being prepared to reflect societal and legislative changes in relation to drugs and substance abuse
- 1.2 The revised policy wishes to introduce the option of drug and alcohol testing in certain circumstances, subject to agreed procedures and protocols.

2. Reasons for review of the existing policy

2.1 Drug driving in the UK

- 2.1.1 There were almost 8,000 arrests last year for drug driving in England and Wales. The statistics from 35 of the 43 police forces showed that 7,796 people were arrested between March 2015 and April 2016.
- 2.1.2 The Automobile Association reports there are around 200 drug-related deaths on our roads each year but believe the figure is much higher as victims aren't always routinely checked for drugs after crashes.
- 2.1.3 Research conducted by THINK! has revealed that more than half of those who admitted to driving under the influence of illegal drugs said they felt safe behind the wheel.
- 2.1.4 In 2015 new legislation was introduced to allow police officers to test drivers for traces of drugs for the first time. Officers no longer have to prove a driver was too impaired to drive, only that they had an illegal level of drugs in their system.

2.2 Drink Driving in the UK

- 2.2.1 In the last 50 years road casualties caused by drink driving have fallen dramatically, but in 2014, there were still 240 deaths due to drink driving, accounting for 14% of all road fatalities.

3. Proposed changes to DCC's Alcohol and Substance Abuse Policy

- 3.1 The purpose of the policy is to improve health and wellbeing amongst our staff and protect people from harm. The main policy revision is to enable DCC to test for alcohol or drug misuse in specific circumstances. We propose that employees will be eligible to random or specific testing where:
 - they are employed in a safety critical role or
 - there is suspicion or reports of alcohol and drugs misuse or
 - there has been an accident or near miss

4. Types of Testing

- 4.1 **Random Testing.** Applies to safety critical roles. The locations and number of employees are randomly selected for drug and/or alcohol testing periodically.
- 4.2 **Specific Testing.** Applies where an individual is suspected of being under the influence of drugs or alcohol, or in a post-incident situation. HR advice will be sought before any specific testing is agreed.

5. Other organisations approaches to testing

- 5.1 The CIPD report “managing Drug and Alcohol Use at work” states that the majority of “safety critical” organisations carry out testing for drug and alcohol misuse, but testing is much less prevalent in non-safety critical organisations.
- 5.2 A number of local authorities have already, or are in the process of introducing drug and alcohol testing in the workplace including Barnsley BC, Calderdale BC, Wrexham Council, East Riding of Yorkshire Council.
- 5.3 Our Occupational Health lead has been in contact with Calderdale Council who has shared their experience and learnings in the implementation of their testing process.

6. Safeguards and sensitivities

6.1 Approach

- 6.1.1 Occupational Health will continue to assist any employee who has notified us of a dependency on drugs, alcohol or other substance misuse. Occupational Health will signpost individuals to professional help and support groups with the aim of assisting them in their recovery. An employee in a safety critical role will not be permitted to carry out any safety critical tasks until advised by Occupational Health that they are fit to do so.
- 6.1.2 DCC will seek to find alternative duties or redeploy during a period of treatment where practicable. This stated, a high quality of service needs to be maintained and any temporary changes to duties will be subject to review by the Manager, Occupational Health and HR & OD. In situations where an employee in a safety critical role has tested positive for drugs, alcohol or substance misuse, the organisation will signpost the individual to professional support but will also consider the matter under the disciplinary procedure.

6.2 Training and Awareness

- 6.2.1 Prior to the introduction of testing, an awareness programme will be carried out to inform managers and employees of the risk of drug and alcohol abuse and promote health and wellbeing.
- 6.2.2 Any employee whose role is designated as “safety critical” will be informed that their role will be subject to random testing. A communications campaign will inform all employees of the possibility of the organisation requesting specific testing only in situations outlined in paragraph 4.

6.3 Fairness and Dignity

- 6.3.1 Fairness in the allocation of random tests is key to the credibility of the exercise. The method of allocating random tests and practicalities of carrying out the tests will be reviewed by Trade Union colleagues. One option is for the drug testing company to schedule the tests based on DCC’s list of safety critical roles without the council’s involvement, thereby maintaining objectivity. In applying the testing process, DCC will always seek to protect the privacy and dignity of all involved.

6.4 DCC Safety Critical Roles

- 6.4.1 The organisation is carrying out an audit to determine which of its roles are deemed “safety critical”. The audit is subject to discussion with Trade Unions, but roles will include drivers of

Updated Alcohol and Substance Misuse Policy

winter gritter lorries, HGV drivers, users of heavy machinery (e.g. chain saws). We propose to introduce random drugs and alcohol testing for these roles to ensure our employees are safe from harm to themselves, colleagues and the public. We foresee the majority of safety critical roles will fall within the Environment and Economy Directorate and Dorset Waste Partnership, but the definite list will be subject to union consultation.

6.5 A Learning Approach

- 6.5.1 A learning from other organisations who have recently implemented drug and alcohol testing is that adjustments will be required after implementation. As our understanding develops, new questions will arise about consistency of testing between roles throughout the organisation. For these reasons the programme will be subject to regular discussion with Directorates and Trade Unions and a post-implementation review paper will be brought to Staffing Committee.

7. Consultation

- 7.1 The organisation has placed great importance on seeking the views and expertise of others prior to embarking on this exercise. Of particular importance is the role of Trade Unions in developing our policy and approach. The unions have helpfully provided DCC with the TUC guidance on drug and alcohol policy which has guided our approach.
- 7.2 Further consultation on the detailed testing procedure and implementation plan is planned.

8. Specialist Advice

- 8.1 We are grateful to colleagues in Occupational Health, Public Health and Health and Safety who are advising us on the development and implementation of the initiative. Calderdale Council have been very helpful in sharing their learning and experiences in introducing testing with us.

9. Testing Provider: External Company or DCC Resource?

- 9.1 After seeking advice from other organisations, it is clear that the introduction of a drug and alcohol testing requires considerable specialist expertise, especially in relation to testing arrangements and equipment. The protocols on how the testing is carried out, the reliability of the tests and the calibration of the testing equipment means that an external provider is the best option. The random testing of safety critical roles affects a relatively small number of roles within DCC, so there isn't the economy of scale to manage the initiative in-house.
- 9.2 DCC will use a testing laboratory who are accredited by The United Kingdom Accreditation Service (UKAS) to the International Standard ISO 17025 for Drugs of Abuse Testing.

10. Timescale:

- 10.1 Subject to Staffing Committee approving the option of testing, we will continue in consultation with Trade Unions and commence a pre-implementation employee awareness programme. Our aim is to commence testing in Summer 2017.

Updated Alcohol and Substance Misuse Policy

11. Recommendation

- 11.1 Notes the legislative and societal reasons for introducing testing
- 11.2 Agrees to introduce alcohol, drugs and substance misuse testing subject to completing Trade Union consultation and following professional advice
- 11.3 Requests a revised alcohol and substance misuse policy is brought to Staffing Committee for approval
- 11.4 Requests a review paper is brought to Staffing Committee 12 months post implementation.

(Pending Directorate Diversity Group approval)

Equality Impact Assessment – Screening Form

Service: DCC excluding schools, including DWP

Title of Strategy, policy, project or service: Revised Drugs and Alcohol Policy

Type of Strategy (select as appropriate)

- | | |
|--------------------------|--|
| Existing: | <input type="checkbox"/> |
| New/proposed: | <input checked="" type="checkbox"/> |
| Changing/Update/revision | <input type="checkbox"/> |
| Other | <input type="checkbox"/> please list below |

Officers Involved in the Screening:

Paul Loach, HR Business Partner

1. What is the aim of your strategy, policy, project or service?

To protect the public and employees from harm, and promote health and wellbeing by introducing a revised drug and alcohol policy.

The policy will allow the testing for drugs and alcohol of employees, contractors and workers in specific circumstances under agreed protocols.

The impact of the testing will be mainly limited to roles which are deemed “safety critical” (e.g. hgv drivers, heavy machinery users). The list of safety critical roles is being finalised, but we envisage the majority of roles will be in DWP or Environment and Economy.

The specific types of testing will be:-

Random Testing Policy: These are only for safety critical roles. This means that sites and a number of employees are randomly selected for drug and/or alcohol testing periodically.

Specific Testing (safety critical role). This is directed at an individual who is under suspicion of drugs or alcohol misuse, or in post-incident situation.

Specific Testing (non safety critical role). Specific testing of an individual in a non-safety critical role will only be initiated by a manager where an employee repeatedly gives cause for concern and the manager believes this is due to drug or alcohol misuse. In addition the employee’s manager should observe the employee for indications of misuse and seek HR advice before any specific testing is agreed.

Occupational Health will continue to assist any employee who has notified us of a dependency on drugs, alcohol or substance misuse. We signpost individuals to professional help and support groups and assist them in their recovery. If any such employee is in a safety critical role, they will not be permitted to carry out such tasks, and we will allocate other duties.

Updated Alcohol and Substance Misuse Policy

Prior to the introduction of testing, an awareness programme will be carried out to inform managers and employees of the risk of drug and alcohol abuse, and to encourage health and wellbeing. Employees will be encouraged to seek assistance via Occupational Health, or any alcohol or drug related concern prior to the commencement of testing.

Any employee whose role is designated as safety critical will be informed that their role will be subject to random testing.

Fairness in the allocation of random tests for an employee is key for the credibility of the exercise. The method of allocating random tests will be agreed and reviewed by Trade union colleagues. The practicalities of carrying out the tests will also be subject to Trade Union consultation, and we will protect the privacy and dignity of all involved in the testing process.

DCC will use a testing laboratory who are accredited by The United Kingdom Accreditation Service (UKAS) to the International Standard ISO 17025 for Drugs of Abuse Testing.

2. Who will it impact upon (For example, service users, visitors, staff members)

This will protect all users of Dorset roads, service users, visitors and staff. The health and wellbeing aspect will impact mainly on safety critical roles, but we are hoping to have a wider impact as a result of the awareness programme.

3. Does or could the service, strategy, policy, project or change have an impact upon the following:

Protected characteristic	Positive impact	Negative impact	Neutral impact	Unclear
Age	x	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Disability	x	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Gender Identity	x	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Pregnancy and Maternity	x	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Race and Ethnicity	x	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Religion or Belief	x	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sex	x	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sexual Orientation	x	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Other socially excluded groups (Carers, rural isolation, low income, armed forces personnel)	x	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

4. Does this have any impact on the workforce in relation to the following:

Protected characteristic	Positive impact	Negative impact	Neutral impact	Unclear
Age	x	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Disability	x	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Gender Identity	x	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Pregnancy and Maternity	x	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Race	x	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Religion or Belief	x	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sex	x	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sexual Orientation	x	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Other socially excluded groups (Carers, rural isolation, low income, armed forces personnel)	x	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

5. If your answers to Q3 and 4 are mostly ‘negative ‘or ‘unclear’, you need to consider a full EqlA. If you do not intend to carry out one, please explain why:

The impact of the exercise is to promote positive health and wellbeing throughout DCC. Similar to other parts of society DCC has employees who struggle with drug and alcohol dependency, and we expect that more employees will come to Occupational Health for advice and support as a result of the initiative.

The majority of safety critical roles in EE and DWP are held by men and this group will therefore be more likely to be tested than women. There is also a possibility that some employees may hide their dependency and then be subject to disciplinary action upon a confirmed positive test, but our intention is prevention not punitive.

Upon completion of this form, it must be sent to your Directorate Equality lead for approval.

This EqlA Screening Form was approved by on behalf of Directorate Diversity Group.

This EqlA Screening Form was signed off by Project Sponsor

Date:

Action Plan review date:

