



ADUR & WORTHING  
COUNCILS

Joint Staff Committee  
29th March 2023  
Agenda Item 7

Ward(s) Affected:

**HR Policies - Alcohol & Drugs Policy**

**Report by the Director for Digital & Resources**

**Executive Summary**

**1. Purpose**

- 1.1 The report seeks the changes to the Adur & Worthing Councils Alcohol and Drug Policy to be noted.
- 1.2 The aim of the policy is to protect the health, wellbeing and safety of our employees and the public and to help employees who may have problems with drug and alcohol abuse.

**2. Recommendations**

- 2.1 The Joint Staff Committee is recommended to note the changes to the Alcohol & Drug Policy with an implementation date of immediate effect.
- 2.2 The changes have been agreed by the Head of Human Resources, in consultation with the Chief Financial Officer and the Head of Legal Services, as these changes are deemed as minor and non-consequential amendments to the Policy, under the delegated authority given to them by The Joint Staff Committee.

**3. Context**

- 3.1 Since the policy was implemented there have been a number of changes within the services which has resulted in some job titles changing.

#### **4. Issues for consideration**

- 4.1 The only changes to the policy are that the job titles in the list of Most Safety Critical roles and Safety Critical roles have been updated.
- 4.2 The job titles need to be up-to-date in the policy to ensure that the correct roles qualify for random and for cause alcohol and drug testing.
- 4.3 The testing for alcohol and drugs is now in place for the safety of the staff themselves, their colleagues and the Adur & Worthing Councils Communities

#### **5. Engagement and Communication**

- 5.1 Unison have been consulted with and have agreed the changes.

#### **6. Financial Implications**

- 6.1 There are no financial implications arising from the update of this policy.

#### **7. Legal Implications**

- 7.1 The Councils may impose policies that affect its staff. This policy introduces testing for alcohol and certain drugs for a specified group of staff. This is classed as 'special category data' under data protection legislation. The staff will need to consent to such testing for it to take place, however, not providing consent may lead to disciplinary action being taken.
- 7.2 Officers will need to consult with the Council's Information Governance Officer to consider if the data protection impact assessment previously undertaken on the adoption of this policy needs to be updated with this variation and to ensure that Officers are compliant with data protection legislation.
- 7.2 This policy forms part of the Officers' terms and conditions of employment.

#### **Background Papers**

- Amended Adur & Worthing Councils Alcohol & Drug Policy dated September available at Appendix 1

- Current Adur & Worthing Councils Alcohol & Drug Policy dated September available at Appendix 2
- Alcohol & Drug Policy Equality Impact Assessment (EIA) available at Appendix 3

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## **Sustainability & Risk Assessment**

### **1. Economic**

2.1 Matter considered and no issues identified.

### **2. Social**

#### **2.1 Social Value**

2.1.1 Positive impact due to the open and transparent approach to protect the health, wellbeing and safety of the Councils' employees and the Adur and Worthing communities.

#### **2.2 Equality Issues**

2.2.1 The Equality Impact Assessment for this policy is attached as Appendix 3

#### **2.3 Community Safety Issues (Section 17)**

2.3.1 Positive impact due to the open and transparent approach to protect the health, wellbeing and safety of the Councils' employees and the Adur and Worthing communities.

#### **2.4 Human Rights Issues**

2.4.1 This was considered in relation to the drug and alcohol screening and agreement made to only randomly screen safety critical roles identified by the Councils.

### **3. Environmental**

3.1 Matter considered and no issues identified.

### **4. Governance**

2.4.1 Positive impact due to the open and transparent approach to protect the health, wellbeing and safety of the Councils' employees and the Adur and Worthing communities.



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# Alcohol & Drug Policy

## 1.0 Overview

- 1.1 This policy applies to all employees of Adur and Worthing Councils. It also applies to third parties working on our premises, namely contractors, temporary and agency staff and volunteers, individuals participating in a secondment, internship or work experience placement within the Councils.
- 1.2 Adur and Worthing Councils are committed to providing a safe, healthy and productive workplace for our employees in line with our obligations under legislation, e.g. Health & Safety at Work Act 1974, Management of Health & Safety at Work Regulations 1999, Misuse of Drugs Act 1971.
- 1.3 Some of the Councils' day to day operations take place in safety critical environments where any issues of drug or alcohol misuse can have a serious adverse effect on safety.
- 1.4 The aim of this policy is to protect the health, wellbeing and safety of our employees and the public and to help anyone who may have problems with drug or alcohol abuse. This policy explains the Councils' position on alcohol and drug misuse and provides a procedure whereby employees who have a problem of drug or alcohol abuse/misuse can seek and be offered help in confidence.
- 1.5 The policy is to be used to establish standards and a commitment to safety in this important area and therefore should be used to brief staff, including on recruitment into the organisation, as a reference document and the guideline to judge all relevant activity.
- 1.6 The Councils recognise that alcohol and drug dependency may be an illness and the sickness policy may be more appropriate. This will be considered in each instance.
- 1.7 The Councils offer assistance to members of staff who may have developed a problem with either drugs or alcohol. To facilitate this, information on organisations available is provided at [www.westsussexwellbeing.org.uk](http://www.westsussexwellbeing.org.uk)
- 1.8 The Councils recognise that the use of prescribed medicine, as opposed to illegal drugs can have an impact on an employee's performance at work. It is not expected that this would be grounds for disciplinary action; however, employees are advised to follow any medical advice given to them regarding taking prescribed medicines.
- 1.9 It should be noted that if drug misuse and/or alcohol consumption reduces performance to unacceptable levels – in terms of safety, sickness absence or other factors – this may prove to be grounds for dismissal if counselling or other treatments are unsuccessful.

## 2.0 Roles & Responsibilities

- 2.1 All employees have the responsibility for adhering to this policy.
- 2.2 Individual areas of responsibility are:

**Corporate Leadership Team** – overall responsibility for publishing and promoting the adoption of this policy across the Councils and ensuring that it is applied consistently and appropriately

**HR Team** - reviewing this policy to ensure it is effective and advising managers on the interpretation and consistent application of the policy and on best practice

**Managers** – responsible for ensuring that the policy is implemented and for the consistent application of the policy and ensuring compliance with this policy across their teams

**Employees** – complying with the spirit and wording of this policy and to report to their line manager if they see anyone consuming alcohol or misusing drugs, or who appears to be under the influence of either.

### **3.0 Consumption of Alcohol**

- 3.1 The consumption of alcohol is prohibited during work hours, including lunch and break times and whilst on Council business.
- 3.2 Alcohol consumption must be managed by all staff such that no member of staff presents for work under the influence of alcohol. Alcohol consumption in breach of the above restrictions is strictly prohibited, risks the safety and comfort of other staff and visitors, and will be regarded as a disciplinary matter.

### **4.0 Drug Misuse**

- 4.1 “Drug misuse” refers to the use of illegal drugs and the misuse of prescribed drugs, controlled drugs, over the counter medication, psychoactive (or mind altering substances (formerly known as legal highs) and the misuse of substances such as solvents.
- 4.2 Drug misuse by staff is strictly prohibited such that:-
  - (i) no member of staff may present for work under the influence of misused drugs, nor may any member of staff misuse drugs during the working day (on the premises or off site);
  - (ii) drug misuse in breach of the above restrictions is strictly prohibited, risks the safety and comfort of other staff and visitors, and will be regarded as a disciplinary matter.

### **5.0 Responsibilities of the Employee**

- 5.1 Everyone covered by this policy has a responsibility to present themselves for work unimpaired by drugs or alcohol (i.e. if they have drunk the night before) and to remain unimpaired by drugs or alcohol whilst at work. Being under the influence of alcohol, illegal drugs or other substances during working hours normally constitutes gross misconduct under the Councils’ Disciplinary Policy
- 5.2 Those covered by the policy must never drive or operate machinery if they are under the influence of alcohol or drugs (including prescribed and over-the-counter medication) which may impair their ability to carry out their normal duties. If in any doubt, they must report to their line manager and/or Occupational Health for advice.
- 5.3 They should check with their doctor, pharmacist or Occupational Health about the side effects of any medication when commencing any prescribed or over the counter medication. They should never take any medication prescribed for anyone else or exceed recommended dosage on either prescribed or over the counter medication as this may result in serious side effects or damage to health.
- 5.4 They should seek advice from their GP or the Councils’ Employee Assistance Programme (EAP) team for guidance on sensible limits of alcohol consumption.
- 5.5 If they suspect or believe that they may have a drug and/or alcohol misuse problem they are encouraged to refer themselves to the Councils’ Occupational Health Team as soon as possible. Appointments can be made via their line manager.
- 5.6 In the event of a confirmed non-negative result for the presence of alcohol or drugs whilst working on Council premises, this will be fully investigated under the Adur & Worthing Councils’ Disciplinary Procedure, which carries a potential penalty of summary dismissal. Consideration will be given on a case by case basis to suspending an employee on normal pay whilst the case is being investigated as per point 12.1 in the Disciplinary Policy. Consideration will be given as to whether alternative work can be found and the level of risk to the Councils.
- 5.7 If you know or suspect that a colleague may have alcohol or drug abuse issues you should encourage them to seek help. If they will not do so, you should draw the matter to the attention of your line manager. You should not attempt to cover up for a colleague whose work or behaviour is suffering as a result of an alcohol or drug-related problem.

## 6.0 Voluntary Disclosure & Seeking Advice and Support

- 6.1 If you have an issue with alcohol and/or drugs, you will have found it hard to control your consumption. Employees are encouraged to voluntarily disclose to their line manager, or HR, that they may have an abuse/addiction problem. Any attempts to disclose “voluntarily” that they have an abuse/addiction problem after being selected for random testing or for cause testing in anticipation of a positive result may not be accepted by the Councils under the voluntary disclosure section of this policy.
- 6.2 An employee should seek advice and support early on to ensure that they can be provided support at the earliest opportunity. A good place to start is with your GP. There are also a range of support options available, many of which can be found on the website <http://www.westsussexwellbeing.org.uk>
- 6.3 Support is also available via the Councils’ Employee Assistance Programme (EAP). Details are available on the Councils’ Intranet at EAP
- 6.4 Where an employee volunteers to disclose to the Councils that they have a drug/alcohol dependency problem, and the employee will readily accept help and treatment, the Councils will refer them to Occupational Health for advice about an appropriate treatment programme.
- 6.5 The Councils will take advice from Occupational Health as to what is considered a reasonable time period to complete a treatment programme and, if an employee is absent from work because they are following a treatment programme, the expected date for their return to work. Please see point 6.2 for information regarding the support that is available.
- 6.6 An employee will receive Occupational Sick Pay during absence from work caused by a treatment programme. However, if an employee fails to comply with the recommendations of the agreed programme of treatment, it will be at the Councils’ discretion as to whether Occupational Sick should cease.
- 6.7 If an employee fails to comply with the recommendations of the agreed programme of treatment, fails to complete the rehabilitation programme successfully or suffers a relapse following the treatment programme, the Councils will then consider terminating the employee’s contract of employment.

## 7.0 Drug & Alcohol Screening

- 7.1 Drug and alcohol misuse may be tested for under the following conditions:
  - i) for the most safety critical roles (List1) - randomly or for cause testing where there is reasonable cause to suspect that the member of staff is attending work under the influence of drugs or alcohol and after an incident or accident where there is reasonable cause to suspect that the member of staff has been under the influence of drugs or alcohol
  - ii) for safety critical roles (List 2)– for cause screening after an incident or accident, where there is reasonable cause to suspect that the member of staff has been under the influence of drugs or alcohol

**\*Most safety critical roles\*** involve activities where, because of the risks associated with the role, the employees need to have full, unimpaired control of their physical and/or mental capabilities to carry out a particular task or make critical decisions which can impact on the health or welfare of themselves or others.
- 7.2 The Councils reserve the right to conduct random alcohol and/or drug testing or random alcohol testing or random drug testing on some or all employees in all safety critical roles at any time of the working period and no notice will be given.
- 7.3 Prior to ‘for cause’ testing being carried the manager’s checklist (Appendix 3) will be completed by the line manager with the employee.
- 7.4 Any employee who refuses to give consent to be screened will be subject to the Councils’ Disciplinary

Procedure whereby refusal may be treated as gross misconduct for which summary dismissal is one possible outcome. Employees will be given one further opportunity to agree to screening before the disciplinary procedure is invoked.

- 7.5 Drug and alcohol screening will always be carried out by trained and competent people. Screening will be carried out in privacy and employees undergoing screening will be treated with dignity and respect at all stages of the process.
- 7.6 Alcohol screening will be carried out by using an electronic breath testing device. “Unimpaired” for these purposes means with a negative blood/alcohol or drugs test result. The alcohol level for drivers in England and Wales is a level in excess of 35mg of alcohol in 100ml of breath, 80mg of alcohol per 100ml blood or 107mg per 100ml of urine, so these are the levels that the Councils will use as an indication of an employee’s capability and awareness being affected and levels over these limits will be classed as a positive test result.
- 7.7 It is not currently scientifically possible to identify a level of drug concentration in the blood or urine to effectively indicate whether capability or awareness is affected by the use of drugs and therefore the Councils take a zero tolerance view of a positive drugs test result. Drug screening will be carried out by urine testing which screens for cocaine, amphetamines and methamphetamines (including ecstasy), cannabis, opiates (including heroin) and benzodiazepines.
- 7.8 Records of screening results are considered to be ‘special category data’ and will be subject to and processed in accordance with the Data Protection Act 2018 and GDPR.
- 7.9 We aim to ensure that the confidentiality of any member of staff experiencing alcohol or drug related problems is maintained appropriately. However, it needs to be recognised that, in supporting staff, some degree of information sharing is likely to be necessary.

## **8.0 Monitoring & Review**

This policy will be monitored and reviewed on a regular basis by the Human Resources team with a thorough review taking place in three years if required.

## **9.0 Legislative Framework**

This policy has been written in reference to the following documents:

- Health & Safety at Work Act 1974
- Management of Health & Safety at Work Regulations 1999
- Misuse of Drugs Act 1971
- ACAS (Advisory, Conciliation and Arbitration Service) guidance
- Human Rights Act 1998
- Data Protection Act 2018
- Equalities Act 2010
- Road Traffic Act 1988

## **Appendices**

Appendix 1 List of Most Safety Critical Roles

Appendix 2 List of Safety Critical Roles

Appendix 3 Manager’s For Cause Testing Checklist

Date policy agreed with Unison: November 2022

Date agreed by Joint Staff Committee: November 2022

Date for review: 18 months from formal adoption of policy



## Appendix 1

<b>'Most safety' critical roles</b>				
<b>'Most safety critical roles' involve activities where, because of the risks associated with the role, the employees need to have full, unimpaired control of their physical and/or mental capabilities to carry out a particular task or make critical decisions which can impact on the health or welfare of themselves or others</b>				
<b>This list is not exhaustive and the list of jobs and job titles may change over time - the main focus is on the types of work that is carried out that is safety critical</b>				
<b>Directorate</b>	<b>Department</b>	<b>Job Title</b>	<b>Why Critical?</b>	<b>Approx. number of posts</b>
Communities / Economy	Housing Maintenance & Repairs/Surveying	Multi Trade Operative (including Charge Hands)	Operates a number of power and hand tools. Often works alone in Council properties. Drives Council vehicles.	13
Communities	Bereavement Services	Burial Grounds Officer	Operates hedgecutters, strimmers and other power tools. Drives and operates dumper trucks and excavators etc. Drives Council vehicles. Works in confined spaces excavating and shoring graves.	6
Communities	Bereavement Services	Bereavement Services Team Leader - Grounds	Operates hedgecutters, strimmers and other power tools. Drives and operates dumper trucks and excavators etc. Drives Council vehicles. Works in confined spaces excavating and shoring graves.	1
Communities	Bereavement Services	Crematorium Technician (including Relief)	Represents Council dealing with bereaved people. Operates complex crematorium equipment. Responsible for the integrity of the cremated remains.	11
Communities	Bereavement Services	Senior Crematorium Technician	Represents Council dealing with bereaved people. Operates complex crematorium equipment. Responsible for the integrity of the cremated remains.	1
Digital, Sustainability & Resources	Transport Team	Mechanic	Responsible for service, maintenance and repair of vehicles and mobile plant in accordance with legislation.	1
Digital, Sustainability & Resources	Transport Team	HGV Mechanic	Responsible for service, maintenance and repair of vehicles and mobile plant in accordance with legislation. Drives Council vehicles.	3

Digital, Sustainability & Resources	Waste & Cleansing	Kerbside Loader Operative (including Relief)	Operates automatic hydraulic bin lifts and works on highways alongside traffic and pedestrians.	32
Digital, Sustainability & Resources	Waste & Cleansing	Cleansing Driver Operative (including Relief)	Drives Council LGV, operates machinery, works on highways alongside traffic/pedestrians, occasional lone worker.	40
Digital, Sustainability & Resources	Waste & Cleansing	Driver Loader	Drives Council HGV and LGV, operates machinery and works on highways alongside traffic/pedestrians.	27
Digital, Sustainability & Resources	Waste & Cleansing	Cleansing Driver Team Leader	Drives Council LGV, operates machinery, works on highways alongside traffic/pedestrians, occasional lone worker.	2
Digital, Sustainability & Resources	Waste & Cleansing	Phase Leader	Drives Council HGV and LGV, operates machinery and works on highways alongside traffic/pedestrians.	8
Digital, Sustainability & Resources	Waste & Cleansing	Street Cleansing Operative	Work alongside HGV vehicles, responsible for site safety, works on highways alongside traffic/pedestrians, occasional lone worker.	5
Digital, Sustainability & Resources	Waste & Cleansing	Yard Operative	Operates power tools. Makes safety assessments. Responsible for site safety, works alongside HGV and LGV traffic and occasional lone worker.	1
Economy	Parks & Foreshore	Coastal Warden	Operates power boats, administers first aid, makes safety critical decisions, coordinates with emergency services, pier closure, water safety activities etc.	3
Economy	Parks & Foreshore	Senior Coastal Warden	Operates power boats, administers first aid, makes safety critical decisions, coordinates with emergency services, pier closure, water safety activities etc.	1
Economy	Parks & Foreshore	Craft Gardener	Operates hedgecutters, strimmers, other power tools, pedestrian and ride-on mowers. Works in traffic management systems and drives Council vehicles.	5

Economy	Parks & Foreshore	Grounds Maintenance Operative	Operates hedgecutters, strimmers, other power tools, pedestrian and ride-on mowers. Works in traffic management systems and drives Council vehicles (may include tractor).	16
Economy	Parks & Foreshore	Senior Grounds Maintenance Operative	Operates hedgecutters, strimmers, other power tools, pedestrian and ride-on mowers. Works in traffic management systems and drives Council vehicles (may include tractor).	1
Economy	Parks & Foreshore	Sports Team Operative	Operates hedgecutters, strimmers, other power tools, pedestrian and ride-on mowers. Works in traffic management systems and drives Council vehicles.	5
Economy	Parks & Foreshore	Head/Park Ranger/Assistant	Operates hedgecutters, strimmers and other power tools, drives Council vehicles. Assesses safety of parks, open spaces and play area infrastructure.	6
Economy	Parks & Foreshore	Operations Supervisor	Operates hedgecutters, strimmers and other power tools, drives Council vehicles, oversees traffic management systems and conducts safety assessments.	1
			Total number of posts	189

## Appendix 2

### 'Safety Critical' Roles

<b>This list is not exhaustive and the list of jobs and job titles may change over time - the main focus is on the types of work that is carried out that is safety critical</b>				
<b>Directorate</b>	<b>Department</b>	<b>Job Title</b>	<b>Why Critical?</b>	<b>Approx. number of posts</b>
Communities	Housing Maintenance & Repairs	Compliance Manager (Contracts)	Will be attending sites, required to lift items.	1
Communities	Housing Maintenance & Repairs	Voids & Lettings Officer	Critical to business if action and decisions taken aren't correct e.g. heating provision for new tenant	1
Communities	Housing Maintenance & Repairs	Housing Officer	Officers carry out visits to tenants homes and often them of safety issue in the cause of their job, some of whom are very vulnerable	3
Communities	Housing Maintenance & Repairs	Repair Services Manager	Officer responsible for making decisions on safety of officers who handle equipment and machinery often in the home of vulnerable tenants.	1
Communities	Housing	Senior Housing Officer/Homeless Intervention & Prevention Officer (including Assistant)/Temporary Accommodation Officer	Conduct visits to tenants homes. Critical decision in relation to health and welfare of homeless and vulnerable.	9
Communities	Housing	Sheltered Housing Officer	Responsible for the welfare of vulnerable people living on site.	3
Digital, Sustainability & Resources	Waste & Cleansing	Education & Compliance Officer	Issuing enforcement action on behalf of Councils.	3
Digital, Sustainability & Resources	Waste & Cleansing	Assistant Operations Manager/Operations Support Officer	Drives Council LGV vehicles when required.	2
Digital, Sustainability & Resources	Waste & Cleansing	Waste, Cleansing & Fleet Manager	Carries out drivers' assessments. WAMITAB and O licence holder on behalf of Councils.	1

Digital, Sustainability & Resources	Waste & Cleansing	Waste/Operations Supervisor	Drives Council HGV and/or LGV vehicles when required.	2
Digital, Sustainability & Resources	Waste & Cleansing	Mobile Cleaner Operative	Drives council vehicles, uses chemicals and conducts site safety assessments.	6
Digital, Sustainability & Resources	Car Parks	Customer Service Advisor (Car Parks) (incl. Car Parks Advisor/Operative/Support Officer)	Drives Council vehicles, conducts safety assessments which may result in car park closure, lift entrapments/closures etc.	8
Digital, Sustainability & Resources	Car Parks	Car Parks Operation Officer	Drives Council vehicles, conducts safety assessments which may result in car park closure, lift entrapments/closures etc.	1
Digital, Sustainability & Resources	Car Parks	Car Parks Team Leader	Drives Council vehicles, conducts safety assessments which may result in car park closure, lift entrapments/closures etc.	2
Digital, Sustainability & Resources	Revenues & Benefits	Inspector & Collector	Conducts visits to domestic and commercial properties in respect of Council Tax or Business Rates. Involves considerable driving to undertake visits.	2
Economy	Facilities & Technical Services	Maintenance Surveyor	Conducting risk assessments and making decisions with regards to maintenance of Civic, operational buildings and other sites, e.g., theatres, leisure centres. Instructing maintenance activities.	2
Economy	Facilities & Technical Services	Maintenance Assistant/Inspector	Conducting risk assessments and making decisions with regards to maintenance of Civic, operational buildings and other sites, e.g., theatres, leisure centres. Instructing maintenance activities.	1
Economy	Parks & Foreshore	Arboricultural Inspector	Conducts safety inspections of trees. Drives Council vehicles.	2
			Total number of posts	50

Appendix 3



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**Manager's Alcohol or Drug Testing Checklist**

Employee's Name	
Job title	
Date and time	
Manager's name	
Manager's Job Title	
<b>Reason for the test:</b>	
<b>Alcohol:</b>	
Incident or accident occurred	Yes                      No  Provide details:
Smells of alcohol (fresh or stale)	Yes                      No
Unsteady on feet	Yes                      No
Slurred speech	Yes                      No
Blood shot eyes	Yes                      No
Unusually aggressive	Yes                      No
Erratic behaviour	Yes                      No
Information provided by another person	Yes                      No
Other justifiable reason	Yes                      No  Provide details:

<b>Drugs:</b>	Type of drug:
Incident or accident occurred	Yes                      No  Provide details:
Dilated pupils	Yes                      No
Smell of drugs	Yes                      No
Change in attitude	Yes                      No
Lack of coordination	Yes                      No
Confused	Yes                      No
Unusually talkative	Yes                      No
Information provided by another person	Yes                      No
Other justifiable reason	Yes                      No  Provide details:
<b>Consent</b>	
Member of staff understands the reason for the test?	Yes                      No  Notes:
Member of staff consents to the test?	Yes                      No  Provide details i.e. if they refuse what is their reason for refusing:

<b>Test results (circle appropriate)</b>																
Alcohol Test (Negative/Non negative If non negative – final test result)	<table border="0"> <tr> <td>Negative</td> <td>Non negative</td> <td>Not</td> </tr> <tr> <td>Applicable</td> <td></td> <td></td> </tr> <tr> <td colspan="3">If non negative – final test result:</td> </tr> <tr> <td>Negative</td> <td>Non negative</td> <td>Not</td> </tr> <tr> <td>Applicable</td> <td></td> <td></td> </tr> </table>	Negative	Non negative	Not	Applicable			If non negative – final test result:			Negative	Non negative	Not	Applicable		
Negative	Non negative	Not														
Applicable																
If non negative – final test result:																
Negative	Non negative	Not														
Applicable																
Drug test (Negative/Non negative If non negative – final test result)	<table border="0"> <tr> <td>Negative</td> <td>Non negative</td> <td>Not</td> </tr> <tr> <td>Applicable</td> <td></td> <td></td> </tr> <tr> <td colspan="3">If non negative – final test result:</td> </tr> </table>	Negative	Non negative	Not	Applicable			If non negative – final test result:								
Negative	Non negative	Not														
Applicable																
If non negative – final test result:																
Signed employee:																
Date & Time:																
Signed manager:																
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# Alcohol and Drug Policy

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grounds for disciplinary action; however, employees are advised to follow any medical advice given to them regarding taking prescribed medicines.

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- (ii) drug misuse in breach of the above restrictions is strictly prohibited, risks the safety and comfort of other staff and visitors, and will be regarded as a disciplinary matter.

## **5.0 Responsibilities of the Employee**

- 5.1 Everyone covered by this policy has a responsibility to present themselves for work unimpaired by drugs or alcohol (i.e. if they have drunk the night before) and to remain unimpaired by drugs or alcohol whilst at work. Being under the influence of alcohol, illegal drugs or other substances during working hours normally constitutes gross misconduct under the Councils' Disciplinary Policy
- 5.2 Those covered by the policy must never drive or operate machinery if they are under the influence of alcohol or drugs (including prescribed and over-the-counter medication) which may impair their ability to carry out their normal duties. If in any doubt, they must report to their line manager and/or Occupational Health for advice.
- 5.3 They should check with their doctor, pharmacist or Occupational Health about the side effects of any medication when commencing any prescribed or over the counter medication. They should never take any medication prescribed for anyone else or exceed recommended dosage on either prescribed or over the counter medication as this may result in serious side effects or damage to health.
- 5.4 They should seek advice from their GP or the Councils' Employee Assistance Programme (EAP) team for guidance on sensible limits of alcohol consumption.
- 5.5 If they suspect or believe that they may have a drug and/or alcohol misuse problem they are encouraged to refer themselves to the Councils' Occupational Health Team as soon as possible. Appointments can be made via their line manager.
- 5.6 In the event of a confirmed non-negative result for the presence of alcohol or drugs whilst working on Council premises, this will be fully investigated under the [Adur And Worthing Councils' Disciplinary Procedure](#), which carries a potential penalty of summary dismissal. Consideration will be given on a case by case basis to suspending an employee on normal pay whilst the case is being investigated as per point 12.1 in the Disciplinary Policy. Consideration will be given as to whether alternative work can be found and the level of risk to the Councils.
- 5.7 If you know or suspect that a colleague may have alcohol or drug abuse issues you should encourage them to seek help. If they will not do so, you should draw the matter to the attention of your line manager. You should not attempt to cover up for a colleague whose work or behaviour is suffering as a result of an alcohol or drug-related problem.

## **6.0 Voluntary Disclosure and Seeking Advice and Support**

- 6.1 If you have an issue with alcohol and/or drugs, you will have found it hard to control your consumption. Employees are encouraged to voluntarily disclose to their line manager, or HR, that they may have an abuse/addiction problem. Any attempts to disclose "voluntarily" that they have an abuse/addiction problem after being selected for random testing or for cause

testing in anticipation of a positive result, may not be accepted by the Council under the voluntary disclosure section of this policy.

- 6.2 An employee should seek advice and support early on to ensure that they can be provided support at the earliest opportunity. A good place to start is with your GP. There are also a range of support options available, many of which can be found on the website <http://www.westsussexwellbeing.org.uk>
- 6.2 Support is also available via the Councils' Employee Assistance Programme (EAP). Details are available on the Councils' Intranet at [EAP](#)
- 6.3 Where an employee volunteers to disclose to the Council that they have a drug/alcohol dependency problem, and the employee will readily accept help and treatment, the Council will refer them to Occupational Health for advice about an appropriate treatment programme.
- 6.4 The Council will take advice from Occupational Health as to what is considered a reasonable time period to complete a treatment programme and, if an employee is absent from work because they are following a treatment programme, the expected date for their return to work. Please see point 6.2 for information regarding the support that is available.
- 6.5 An employee will receive Occupational Sick Pay during absence from work caused by a treatment programme. However, if an employee fails to comply with the recommendations of the agreed programme of treatment, it will be at the Council's discretion as to whether Occupational Sick should cease.
- 6.6 If an employee fails to comply with the recommendations of the agreed programme of treatment, fails to complete the rehabilitation programme successfully or suffers a relapse following the treatment programme, the Council will then consider terminating the employee's contract of employment.

## 7.0 Drug & Alcohol Screening

7.1 Drug and alcohol misuse may be tested for under the following conditions:

- i) for the **most safety critical roles** (List1) - randomly or for cause testing where there is reasonable cause to suspect that the member of staff is attending work under the influence of drugs or alcohol and after an incident or accident where there is reasonable cause to suspect that the member of staff has been under the influence of drugs or alcohol
- ii) for **safety critical roles** (List 2)– for cause screening after an incident or accident, where there is reasonable cause to suspect that the member of staff has been under the influence of drugs or alcohol

\*'Most safety critical roles' involve activities where, because of the risks associated with the role, the employees need to have full, unimpaired control of their physical and/or mental capabilities to carry

out a particular task or make critical decisions which can impact on the health or welfare of themselves or others

- 7.2 The Councils reserve the right to conduct random alcohol and/or drug testing or random alcohol testing or random drug testing on some or all employees in all safety critical roles at any time of the working period and no notice will be given.
- 7.3 Prior to 'for cause' testing being carried the manager's checklist (Appendix 3) will be completed by the line manager with the employee.
- 7.4 Any employee who refuses to give consent to be screened will be subject to the Councils' Disciplinary Procedure whereby refusal may be treated as gross misconduct for which summary dismissal is one possible outcome. Employees will be given one further opportunity to agree to screening before the disciplinary procedure is invoked.
- 7.5 Drug and alcohol screening will always be carried out by trained and competent people. Screening will be carried out in privacy and employees undergoing screening will be treated with dignity and respect at all stages of the process.
- 7.6 Alcohol screening will be carried out by using an electronic breath testing device. "Unimpaired" for these purposes means with a negative blood/alcohol or drugs test result. The alcohol level for drivers in England and Wales is a level in excess of 35mg of alcohol in 100ml of breath, 80mg of alcohol per 100ml blood or 107mg per 100ml of urine, so these are the levels that the Councils will use as an indication of an employee's capability and awareness being affected and levels over these limits will be classed as a positive test result.
- 7.7 It is not currently scientifically possible to identify a level of drug concentration in the blood or urine to effectively indicate whether capability or awareness is affected by the use of drugs and the Councils therefore takes a zero tolerance view of a positive drugs test result. Drug screening will be carried out by urine testing which screens for cocaine, amphetamines and methamphetamines (including ecstasy), cannabis, opiates (including heroin) and benzodiazepines.
- 7.8 Records of screening results are considered to be 'special category data and will be subject to and processed in accordance with the Data Protection Act 2018 and GDPR.
- 7.9 We aim to ensure that the confidentiality of any member of staff experiencing alcohol or drug related problems is maintained appropriately. However, it needs to be recognised that, in supporting staff, some degree of information sharing is likely to be necessary.

## **8.0 Monitoring and Review**

- 8.1 This policy will be monitored and reviewed on a regular basis by the Human Resources team with a thorough review taking place in three years if required.

## 9.0 Legislative framework

9.1 This policy has been written in reference to the following documents:

- Health & Safety at Work Act 1974
- Management of Health & Safety at Work Regulations 1999
- Misuse of Drugs Act 1971
- ACAS (Advisory, Conciliation and Arbitration Service) guidance
- Human Rights Act 1998
- Data Protection Act 2018
- Equalities Act 2010
- Road Traffic Act 1988

## Appendices

Appendix 1	List of Most Safety Critical Roles
Appendix 2	List of Safety Critical Roles
Appendix 3	Manager's For Cause Testing Checklist

Date policy agreed with Unison:

Date agreed by Joint Staff Committee:

Date for review: 18 months from formal adoption of policy

## Appendix 1

Directorate	Department	Job Title	Why Critical?	Approx. number of posts
<p><b>Most safety critical roles</b></p> <p>'Most safety critical roles' involve activities where, because of the risks associated with the role, the employees need to have full, unimpaired control of their physical and/or mental capabilities to carry out a particular task or make critical decisions which can impact on the health or welfare of themselves or others</p> <p>This list is not exhaustive and the list of jobs and job titles may change over time - the main focus is on the types of work that is carried out that is safety critical</p>				
Communities	Housing - maintenance and repairs	Multi-Trade Operative	Plumbers and Electricians for the Council using a variety of tools. Often lone working in Council properties	17
Environment	Parks and Foreshore	Foreshore Inspector	Operates power boats, administers first aid, makes safety critical decisions re pier closure, water safety activities etc.	3
Environment	Parks and Foreshore	Craft Gardener	Operates power tools - hedgecutters, trimmers, drives council vehicles	3
Environment	Parks and Foreshore	Snr Foreshore Inspector	Operates power boats, administers first aid, makes safety critical decisions re pier closure, water safety activities etc.	1
Environment	Parks and Foreshore	FO Seasonal Safety Boat Operator	Operates power boats, administers first aid, makes safety critical decisions re pier closure, water safety activities etc.	5
Environment	Parks and Foreshore	Head Gardener	Operates power tools - hedgecutters, trimmers, drives council vehicles	1
Environment	Parks and Foreshore	Grounds Maintenance Team	Operates power tools - hedgecutters, trimmers, drives council vehicles	19
Environment	Parks and Foreshore	Seasonal Grounds Maintenance	Operates power tools - hedgecutters, trimmers, drives council vehicles	6
Environment	Parks and Foreshore	Senior Green Keeper	Operates power tools - hedgecutters, trimmers, drives council vehicles	3
Environment	Parks and Foreshore	Cemetery Operatives	Operates power tools - hedgecutters, trimmers, drives council vehicles, works in confined spaces excavating and shoring graves.	4
Environment	Parks and Foreshore	Bereavement Services GM Team Leader	Operates power tools - hedgecutters, trimmers, drives council vehicles, works in confined spaces excavating and shoring graves.	1
Environment	Parks and Foreshore	Gardener	Operates power tools - hedgecutters, trimmers, drives council vehicles	1
Environment	Parks and Foreshore	Community Park Ranger	Operates power tools - hedgecutters, trimmers, drives council vehicles.	2

			Assesses safety of parks and open spaces infrastructure.	
Environment	Parks and Foreshore	Environment Maintenance Officer	Operates power tools - drills, grinders etc. Assesses safety of play equipment	2
Environment	Parks and Foreshore	Environment Maintenance TL	Operates power tools - drills, grinders etc. Assesses safety of play equipment	1
Environment	Parks and Foreshore	Coast Protection Grounds Maintenance Operative	Operates power tools - drills, grinders etc. Assesses safety of coastal defences. Operates heavy plant machinery.	1
Environment	Parks and Foreshore	Coast Protection Team Leader	Operates power tools - drills, grinders etc. Assesses safety of coastal defences. Operates heavy plant machinery.	1
Environment	Parks and Foreshore	Grounds Maintenance Supervisor	Operates power tools - hedgecutters, trimmers, drives council vehicles. Makes safety assessments.	1
Environment	Parks and Foreshore	Apprentice Gardener	Operates power tools - hedgecutters, trimmers.	1
Environment	Bereavement Services	Crematorium Technician	Represents Council dealing with bereaved people and operates complex crematorium equipment where the impact could be major both H&S and reputationally if operated incorrectly. Responsible for the integrity of the cremated remains.	10
Environment	Bereavement Services	Snr Crematorium Technician	Represents Council dealing with bereaved people and operates complex crematorium equipment where the impact could be major both H&S and reputationally if operated incorrectly. Responsible for the integrity of the cremated remains.	1
Environment	Transport Team	Mechanic	H&S of others, both Council and general public could be impacted if their work was defective due to be under the influence of drugs or alcohol. Could also influence Council's retention of Operators Licence for vehicle fleet.	1
Environment	Transport Team	HGV mechanic	H&S of others, both Council and general public could be impacted if their work was defective due to be under the influence of drugs or alcohol. Could also influence Council's retention of Operators Licence for vehicle fleet.	3
Environment	Transport Team	Semi Skilled Mechanic	H&S of others, both Council and general public could be impacted if their work was defective due to be under the influence of drugs or alcohol. Could also influence Council's retention of Operators Licence for vehicle fleet.	1



Environment	Waste and Cleansing	Relief Driver Operative	Potential major H&S and reputational risk if operating HGV or LGV vehicles under the influence of drugs & alcohol.	1
Environment	Waste and Cleansing	Relief Operative	Potential major H&S risk as operate automatic hydraulic bin lifts and also working on highway alongside traffic and pedestrians.	9
Environment	Waste and Cleansing	Relief Operative - Pool	Potential major H&S risk as operate automatic hydraulic bin lifts and also working on highway alongside traffic and pedestrians.	2
Environment	Waste and Cleansing	Cleansing Driver Operative	Potential major H&S and reputational risk if operating HGV or LGV vehicles under the influence of drugs & alcohol.	29
Environment	Waste and Cleansing	Kerbside Loader	Potential major H&S risk as operate automatic hydraulic bin lifts and also working on highway alongside traffic and pedestrians.	11
Environment	Waste and Cleansing	Grounds Maintenance Operative	Operates power tools - hedgecutters, strimmers, drives council vehicles.	22
Environment	Waste and Cleansing	Environmental Services Manual Operative	Operates power tools - hedgecutters, strimmers, drives council vehicles. Potential major H&S risk as operate automatic hydraulic bin lifts and also working on highway alongside traffic and pedestrians.	6
Environment	Waste and Cleansing	Refuse / recycling driver team leader	Potential major H&S and reputational risk if operating HGV or LGV vehicles under the influence of drugs & alcohol.	18
Environment	Waste and Cleansing	Refuse / recycling driver operative	Potential major H&S and reputational risk if operating HGV or LGV vehicles under the influence of drugs & alcohol.	32
Environment	Waste and Cleansing	Loader Phase Leader	Potential major H&S risk as operate automatic hydraulic bin lifts and also working on highway alongside traffic and pedestrians.	11
Environment	Waste and Cleansing	Manual Sweeper	Work alongside staff using HGV vehicles plus power tools.	2
Environment	Waste and Cleansing	Street Sweeper Chargehand Driver	Potential major H&S and reputational risk if operating HGV or LGV vehicles under the influence of drugs & alcohol.	2
Environment	Waste and Cleansing	Bulky Household Waste Collector	Potential major H&S risk as operate automatic hydraulic bin lifts and also working on highway alongside traffic and pedestrians.	2
Environment	Waste and Cleansing	Pedestrian Sweeper Driver	Potential major H&S and reputational risk if operating HGV or LGV vehicles under the influence of drugs & alcohol.	1

Environment	Waste and Cleansing	Street Sweeper manual sweeper	Work alongside staff using HGV vehicles plus power tools. Work alongside staff using HGV vehicles plus power tools. Also responsible for site safety. At times lone worker.	4
Environment	Waste and Cleansing	Yard Operative	Operates power tools. Makes safety assessments. Also responsible for site safety. At times lone worker.	1
			Total no of posts	242

## Appendix 2

<b>Safety Critical Roles</b>				
<b>This list is not exhaustive and the list of jobs and job titles may change over time - the main focus is on the types of work that is carried out that is safety critical</b>				
<b>Directorate</b>	<b>Department</b>	<b>Job Title</b>	<b>Why Critical?</b>	<b>Approx. number of posts</b>
Communities	Housing - maintenance and repairs	Compliance Manager Contract	Will be attending site, required to lift items.	1
Communities	Housing - maintenance and repairs	Voids and Lettings officer	Critical to business if action and decisions taken aren't correct e.g re heating provision for new tennant	1
Communities	Adur Homes Team	Housing Officer	Officers carry out visits to tenants homes and often them of safety issue in the cause of their job, some of whom are very vulnerable	3
Communities	Adur Homes Team	Senior Housing Officer	Officers carry out visits to tenants homes in the cause of their job, some of whom are very vulnerable	1
Communities	Adur Homes Team	Sheltered Housing Officer	Responsible for the welfare of vulnerable people living on site	2
Communities	Adur Homes Team	Assistant Building Services Manager	Officer responsible for making decisions on safety of officers who handle equipment and machinery often in the home of vulnerable tenants	1
Environment	Business Support	Education & Compliance Officer	Issuing enforcement action on behalf of Council	2
Environment	Parks and Foreshore	Arboricultural Inspector	Carries out safety inspections of trees which could have major potential impact on the H&S of others.	1
Environment	Waste and Cleansing	Assistant Operations Manager	Carries out drivers assessments. WAMITAB and O licence holder on behalf of Council.	1
Environment	Waste and Cleansing	Waste Operations Supervisors	Drives HGV and LGV vehicles when needed.	2
Environment	Car Parks	Car Parks Advisor	Drives Council vehicles, carries out safety assessments which may result in car park closure, lift entrapments etc.	9
Environment	Car Parks	Car Parks Supervisor	Drives Council vehicles, carries out safety assessments which may result in car park closure, lift entrapments etc.	1
Environment	Car Parks	Car Parks Team Leader	Drives Council vehicles, carries out safety assessments which may result in car park closure, lift entrapments etc.	2
Environment	Waste and Cleansing	Mobile Toilet Cleaners (drivers)	Drives council vehicles, uses chemicals, site safety assessments.	7
Digital & Resources	Facilities and Tech Services	Maintenance Surveyor	Out on site on a daily basis advising and making decisions regarding	1

			maintenance as well as undertaking maintenance. E.g. Swimming pool maintenance if not correctly undertaken could have significant impact on the functioning of the service. Also could injure themselves or others if not able to carry out tasks correctly or make decisions effectively.	
Digital & Resources	Facilities and Tech Services	Maintenance Assistant	Out on site on a daily basis advising and making decisions regarding maintenance as well as undertaking maintenance. E.g. Swimming pool maintenance if not correctly undertaken could have significant impact on the functioning of the service. Also could injure themselves or others if not able to carry out tasks correctly or make decisions effectively.	1
Digital & Resources	Revs and Bens	Inspector/Collector	these roles are "outside" inspectors which involves ECU and majority of working time is spent driving or visiting properties to inspect or collect	2
			Total no of posts	38



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**Manager's Alcohol or Drug Testing Checklist**

Employee's Name	
Job title	
Date and time	
Manager's name	
Manager's Job Title	
<b>Reason for the test:</b>	
<b>Alcohol:</b>	
Incident or accident occurred	Yes/No Provide details
Smells of alcohol (fresh or stale)	Yes/No
Unsteady on feet	Yes/No
Slurred speech	Yes/No
Blood shot eyes	Yes/No
Unusually aggressive	Yes/No
Erratic behaviour	Yes/No
Information provided by another person	Yes/No
Other justifiable reason	Yes/No. Provide details
<b>Drugs:</b>	Type of drug:
Incident or accident occurred	Yes/No Provide details
Dilated pupils	Yes/No
Smell of drugs	Yes/No
Change in attitude	Yes/No
Lack of coordination	Yes/No
Confused	Yes/No
Unusually talkative	Yes/No
Information provided by another person	Yes/No
Other justifiable reason	Yes/No Provide details
Member of staff informed of the reason for the test?	Yes/No Notes:

Member of staff understands the reason for the test?	Yes/No Notes:
Member of staff consents to the test?	Yes/No Notes: i.e. if they refuse what is their reason for refusing

**Test results:**

Alcohol Test	Negative/Non negative If non negative – final test result
Drug test	Negative/Non negative If non negative – final test result

Signed employee..... Date:

Signed manager ..... Date:



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# **Equality Impact Assessment – Alcohol and Drug Policy**

**Name of project/policy/strategy (hereafter referred to as “initiative”):**

Alcohol and Drug Policy

**Provide a brief summary (bullet points) of the aims of the initiative and main activities:**

To review, update and make additions to the current Adur & Worthing Councils Alcohol and Drugs Policy and Guidance.

This includes:

- more detail regarding support for employees regarding voluntary disclosure if they have a drug or alcohol dependency problem
- Clarity around not consuming alcohol during work hours, including lunch and break times and whilst on Council business
- New section on Drug and Alcohol screening

**Project Officer : Heidi Christmas**

**Date : November 2019**

***Stage 1: ‘Screening’***

**This stage establishes whether a proposed initiative will have an impact on equality groups, (age, disability, gender, race, religion/belief, sexual orientation), or whether it is “equality neutral” (i.e. have no effect either positive or negative). So for example in the case of gender impact, consider whether men and women are affected differently.**

**Q.1. Who will benefit from this initiative? Is there likely to be a positive impact on specific equality groups (whether or not they are intended beneficiaries), and if so, how? Or is it clear at this stage that it will be equality “neutral”? i.e. will have no particular effect on any group.**

The aim of the policy is to protect the health, wellbeing and safety of our employees and the public and to help employees who may have a problem with drug or alcohol abuse.

The policy will be applied consistently irrespective of any protected characteristic.



**Q.2. Is there likely to be an adverse impact on one or more equality group as a result of this initiative? If so, who may be affected and why? Or is it clear at this stage that it will be equality “neutral”?**

The policy will not have an adverse impact on any one or more equality group.

The screening process can identify any medication that might affect the test outcome to ensure that a positive test is not due to any medication being taken by the individual.

The potential for the individual to have an underlying disability will be considered on a case by case basis.

The ‘for cause’ drug and alcohol screening will be only be carried out once a manager has completed the manager’s checklist showing the reason why the test is being requested

The random drug and alcohol screening will only be carried out on those roles that have been identified as safety critical or where the staff has a role in safeguarding children or adults. That list has been agreed by Unison.

**Q.3. Is the impact of the initiative - whether positive or negative - significant enough to warrant a more detailed assessment (Stage 2 - see guidance)? If not, will there be monitoring and review to assess the impact over a period of time? Briefly (bullet points) give reasons for your answer and any steps you are taking to address particular issues, including any consultation with staff or external groups/agencies.**

It is not considered necessary to have a more detailed assessment. The policy is not considered to have a negative impact on any equality group. The policy will be reviewed in three years time and at this point, the equality impact assessment will also be reviewed.