
Subject: DRIVING AT WORK AND DRUG AND ALCOHOL POLICIES

Meeting and Date: GENERAL PURPOSES COMMITTEE – 12 MARCH 2018

Report of: NADEEM AZIZ, HEAD OF PAID SERVICE

Classification: UNRESTRICTED

Purpose of the report: This report seeks approval for a change to the Driving at Work and Drug and Alcohol Policies that form part of the Officer Conditions of Service

Recommendation:

1. *The two policies at Appendices A and B are approved for introduction from 12 March 2018.*
2. *The Director of Governance is authorised to make any associated adjustments to the Employee Handbook, Statement of Particulars and any other associated Condition of Service documents.*

1. Summary

1.1 In January 2017, following extensive consultation with both the trade unions and staff, the Council introduced a new Employee Handbook, revised Statement of Particulars and associated policies that together formed the Officers' Conditions of Service. Since then, regular reviews of the handbook and its associated policies have been taking place and have identified that the Drugs and Alcohol Policy was not updated last year as part of the new Conditions of Service and would benefit from a review. It was also identified that the Driving at Work policy introduced in 2017 covered predominantly vehicles that are owned and driven for work by employees, but with the return of Grounds Maintenance to an in-house service in April 2017, the Council also acquired a significant fleet of vehicles whose use and maintenance needed to be addressed in the policy.

2. Introduction and Background

2.1 These policies have been designed and written to provide clarity around the Council's position in respect of driving at work and drugs and alcohol to ensure that the application of these policies is both fair and consistent.

2.2 The policies apply to all Council employees. The proposed new policies can be found at Appendices A and B.

2.3 The consultation process with the recognised trade unions (GMB and Unison) using Dover District Council's Collective Bargaining Agreement commenced on 6 December 2018. Individual responses were also encouraged via a consultation e-mail address. To comply with the Collective Bargaining Agreement, the consultation period initially was for 45 days; until 22 January 2018.

2.4 There wasn't a great deal of feedback, but the feedback from the H&S officer and from an HR Advisor did raise some very valid points which resulted in some slight changes to the policies. However, no formal feedback was received from either

recognised trade union on the original versions of the policies. As the changes were not significant, no further formal consultation was undertaken, but the changes were shared with recognised trade unions, inviting any comments by 22nd February 2018. No further comments were received. Therefore the amended policies were finalised for presentation in this report to the Council's General Purposes Committee.

- 2.5 It is proposed that the two policies, once approved are both implemented from 12 March 2018.

4. Identification of Options

- 4.1 The options for the General Purposes Committee are:

- (a) To support the proposed revised policies that have been negotiated between representatives of Corporate Management Team and the Recognised Trade Unions, supported by the East Kent HR Partnership. This is the preferred option as each policy is now considered to be fit for purpose, is consistent with relevant legislation and will enable the policies to be included as part of the Officers' Conditions of Service.
- (b) Request that Corporate Management Team looks at other options that deliver the desired policies.

5. Evaluation of Options

- 5.1 The successful negotiation of the two policies has taken a number of months of analysis and discussion. There is a belief that the policies are equitable and fair, offering as part of the wider Conditions of Service, good terms for all employees.

6. Resource Implications

- 6.1 There are no additional resource implications from the proposed changes to the two policies.

7. Corporate Implications

- 7.1 Comment from the Director of Finance (linked to the MTFP): Finance have been consulted on this report and have no further comments to add. (HL)
- 7.2 Comment from the Solicitor to the Council: The Solicitor to the Council has been consulted in the preparation of this report and has no further comments to make
- 7.3 Comment from the Equalities Officer: This report does not specifically highlight any equality implications, however in discharging their responsibilities members are required to comply with the public sector equality duty as set out in section 149 of the Equality Act 2010 <http://www.legislation.gov.uk/ukpga/2010/15>

8. Appendices

- Appendix A: Driving at Work Policy
Appendix B: Drugs and Alcohol Policy

9. Background Papers

Employee handbook, revised Statement of Particulars and associated policies that together form the Officers' Conditions of Service

Contact Officer: David Randall, extension 2141.

Appendix A



Driving at Work Policy

The Council is committed to the health and safety of its employees and members of the public. This policy outlines the expectations that the Council places upon all employees who drive either their own vehicle or a Council owned vehicle as part of their working day. Any breach of this policy will be investigated and may be dealt with under the Council's Disciplinary and Performance Policy and Procedure.

Employee Responsibilities

If you are required to drive on Council business as part of your job, you must ensure that:

- You have the relevant, valid driving licence and appropriate entitlement to drive the vehicle(s) and are adequately insured for both business and private use
- You provide licence and insurance documents to your manager as and when requested
- Your vehicle is taxed, is roadworthy and has a current MOT certificate (if it is over three years old)
- You drive in accordance with the [Highway Code](#) and any relevant Health and Safety legislation and follow any additional procedures set out by your manager
- You carry out regular basic maintenance checks of your vehicle and/or the agreed default visual inspection for your department, if you are driving a Council owned vehicle
- You are not under the influence of alcohol, drugs or suffering effects from prescribed medication which may affect you whilst driving: if you are in doubt about the impact of prescribed medication you must check with your doctor or pharmacist before driving.
- Your eyesight continues to meet DVLA standards and you wear contact lenses/glasses for driving if necessary
- You inform your manager as soon as practicable if you have an accident, are charged with any motoring offence, incur any penalty points on your licence and/or are disqualified from driving

- You inform your manager if you have any medical condition that may affect your ability to drive or if you do not feel fit enough to drive (including if you feel fatigued) and seek appropriate medical advice
- You secure anything being carried to prevent movement likely to endanger you and/or your passengers

Management Responsibilities

If any members of your team drive on Council business as part of their job, you must ensure that:

- Employees driving their own vehicles for business use, have appropriate insurance and, when applicable, an MOT for the vehicle
- Employees have sufficient and relevant licences, training and experience to operate the vehicles or trailers they have been requested to operate
- Only employees who have received appropriate instruction are able to tow trailers
- Work practices do not pressurise employees into using a mobile phone when driving or to drive in an unsafe manner
- Any accident that occurs whilst on Council business is reported via the accident/incident online form
- Act on information provided on medical conditions/illnesses that might affect someone's ability to drive
- Carry out relevant risk assessments for all drivers

Vehicle Suitability

You must ensure that any vehicle you use as part of your work is suitable for its intended use. Your manager can provide help and guidance if you are in any doubt about this.

When using either your own vehicle or one owned by the Council, you should consider the following:

- The weight and size of any items likely to be carried
- Distance to be travelled
- Passengers who will be carried
- Frequency of loading/unloading

Trailers

Comprehensive guidance for towing trailers is available from the National Trailer and Towing Association website, DVLA website or from the Health and Safety Advisor. Employees should ensure that they adhere to this guidance at all times.

Minibuses

As with towing trailers, the regulations for minibuses are extensive and you may require a special PCV licence to be able to drive one. Further guidance is available from the Health and Safety Advisor and the DVLA website. Employees should ensure that they adhere to this guidance at all times.

Further Information

There are many sources of information regarding safe driving and road safety. The following links provide information on matters such as:

Motorway driving

Driving when tired

Cyclists

Car fires
Towing

Winter driving
Child road safety

Tyre safety
Child seats

<https://www.gov.uk/government/organisations/driver-and-vehicle-licensing-agency> Driving and
Vehicle Licensing Agency
<http://think.direct.gov.uk/> Department for Transport
<http://www.ntta.co.uk/> National Trailer and Towing Association
<http://www.rosipa.com/> Royal Society for the Prevention of Accidents
<http://www.fireservice.co.uk/safety/car-fires> UK Fire and Rescue Service

Appendix One

Accidents

If you drive your own vehicle or a lease vehicle on Council business or drive a Council owned vehicle you should take the following actions in the event of an accident:

- Always stop following an accident. Failure to stop is an offence.
- Ensure your own safety first.
- If the accident is serious i.e. someone is injured or the road is blocked, dial 999 to request the appropriate emergency services.
- Try to obtain the following information:
 - Details of the other vehicle(s) and registration number(s);
 - Name and address of the other vehicle owner(s) and driver(s);
 - Name and address of any witness(es);
 - Name of insurer(s).
- Make a note of the date, time and location of the accident, along with a description of events; diagrams and any other important information i.e. weather conditions and damage sustained to vehicle(s).
- Do not admit liability and do not get drawn into an argument as to whose fault it was.
- Do not comment about the accident on social media or discuss any details of it with the press.
- Assist the relevant authorities with their investigations
- Report the incident to your line manager as soon as you can. You should also contact the Corporate Services Officer and provide them with details of the accident
- At an appropriate time following the accident, the line manager should discuss the circumstances of the accident with the employee. Depending on the cause there may be actions that will mitigate the risk of further accidents from happening in future. This discussion must be documented.
- All accidents that occur whilst on Council business must be reported via the accident/incident online form.



Drug and Alcohol Policy

Introduction

Dover District Council is committed to the health, safety and wellbeing of the general public, its customers and its employees and acts in accordance with its obligations under the Health and Safety at Work etc Act 1974.

This policy is designed to ensure that employees are aware of the health risks associated with drug or alcohol or substance misuse, outline the help and support available for staff and managers, and set out the consequences for those who are misusing drugs, alcohol or other substances at work.

We recognise that the use of drugs¹ and alcohol can cause both physical and psychological impairment and the effect of alcohol, drug or substance misuse is likely to have a detrimental effect on the Council's reputation and on its ability to deliver efficient services. Therefore, no employee should be adversely under the influence of drugs or alcohol whilst at work or on call. If you take prescription medication that could affect your ability to safely carry out your role, you should tell your line manager immediately so that appropriate risk assessments and adjustments, where practicable, can be made to your role for the duration of your prescription.

The Council will usually treat alcohol, drug or substance misuse as a medical issue in the first instance but may engage the disciplinary policy where:

- The employee is assessed by Occupational Health as not having a dependency
- There is a refusal to accept an assessed dependency or there is no co-operation with treatment,
- improvement in work or behaviours is unsatisfactory
- an employee tests positive for drugs or alcohol or refuses to agree to a test
- the circumstances are so serious they demand immediate disciplinary action.

The possession, sale or donation of drugs and/or illegal substances to others during working hours will be classed as gross misconduct and may also be reported to the police.

If you are under the influence of drugs, alcohol or other substances you should not come to work and should call your manager to explain the reasons for your absence. If you attend work and your manager is of the opinion that you are unfit to carry out your duties, due to the effects of alcohol or drug misuse you will be sent home. If this happens repeatedly, the Council may take disciplinary action. Your manager will determine the safest way for you to

¹ By 'drugs' we mean all controlled substances as categorised by The Misuse of Drugs Act 1971 and subsequent modification orders as well as other substances with stimulant or mood altering properties (also known as 'legal highs')

travel home should you be unfit to drive yourself. If you refuse to go home, you will be suspended in line with the disciplinary and performance policy and procedure.

Seeking help

If you are aware that you have a drug or alcohol problem you should, in the interests of yourself, your family and your job, seek help through either your manager, EKHR or an appropriate organisation outside of work. Equally, if you believe one of your colleagues has a problem with alcohol, drug or substance misuse you should encourage them to seek help. Appendix Three has contact details for some places that can offer help and support outside of work. Where managers suspect this of one of their team members, they should seek advice from EKHR. A list of possible signs of drug or alcohol misuse is detailed in Appendix One.

The Council reserves the right to refer employees to Occupational Health if there is a concern or suspicion of an alcohol, drug or substance misuse problem. Support will be given to those who need it, provided that it is not sought only as a result of the formal disciplinary procedure being invoked. Employees who know or suspect that they have a drug or alcohol problem are encouraged to come forward. The matter will be treated as confidential.

Testing

We may carry out unannounced searches for drugs and alcohol in Council owned or controlled vehicles and buildings.

We may also ask you to attend an appointment with Occupational Health or to undertake an alcohol or drugs test where reasonable cause exists to suspect alcohol or drug use or misuse, including following workplace incidents or accidents.

The Council is concerned to ensure that employees' rights are protected, including their human rights. The Council has considered the impact of this testing policy on employees' rights, including, for example, the right to respect for private life and family life.

In relation to data protection law, medical screening of the type set out in this Policy is permitted. All data collected will be processed in accordance with the requirements relating to sensitive personal data under the Data Protection Act 1998.

In accordance with the Council's obligations in respect of the Human Rights Act 1998, unannounced testing may be carried out:

- 1) if you have or have had a drug, alcohol or substance misuse problem,
- 2) if your actions or an omission contributed to an accident or near miss,
- 3) if your behaviour indicates that you are under the influence of drugs or alcohol
- 4) if you work in a safety critical role².

Employees will always be asked for consent before testing is undertaken and an employee has the right to refuse to give consent. If consent is not given, your manager will make a decision about your ability to carry out your role safely based upon the information that they have. Details of the testing procedure can be found at Appendix two.

² Jobs that involve activities or tasks that can place employees or others at risk unless the person undertaking them has full, unimpaired control of their physical and mental capabilities including but not limited to awareness, concentration, balance and co-ordination. These roles may include driving vehicles, working with machinery or tools, caring for vulnerable members of the community or working at height.

Any refusal to consent to a test may be considered to be misconduct, up to and including gross misconduct and may be dealt with in accordance with the relevant policy.

It is recognised that drug and alcohol testing is by its nature an intrusive process and managers will be expected to respect the privacy of an employee when requesting such a test.

Any information held or obtained in relation to testing will be dealt with in the strictest confidence.

Appendix One

Possible signs of drug or alcohol misuse

The following may indicate drug or alcohol misuse. It is important that other causes are always considered, i.e. illness, stress, domestic problems and/or financial worries:

1. Work performance – evidence of deterioration;
2. Increase in frequent short term absence
3. Types and trends of reported sickness;
4. Accident record – liability to cause accidents;
5. Lateness and casual absenteeism;
6. Slower in completing tasks – not meeting deadlines;
7. Making regular mistakes;
8. Previously unnoticed unreliability;
9. Irritability with colleagues or customers;
10. Slurred speech;
11. Tremors;
12. Impaired concentration and memory;
13. Deterioration in personal hygiene;
14. Deterioration in physical appearance;
15. Anxiety;
16. Depression;
17. Asking for loans of money from colleagues;
18. Asking for short term small loans from the employers;
19. Tiredness;
20. Significant changes between high and low activity;
21. Comments from work colleagues or customers;
22. Smelling of alcohol.
23. Possessing drugs paraphernalia.

Further advice can be obtained from EKHR.

Appendix Two

Testing for drug and alcohol misuse

Pre-employment checks

Any offer of employment is subject to satisfactory pre-employment checks, which include a routine health questionnaire as detailed in the Council's Recruitment Policy. Should an applicant disclose a health issue, which may include a history of drug or alcohol dependency, they will be requested to complete a more detailed assessment form.

This detailed assessment form is sent directly to Occupational Health who will carry out a full assessment of the applicants fitness for work.

Existing employees

The council reserves the right to undertake individual testing. Samples would be obtained by an accredited collection officer using a suitable chain of custody process.

- The type and level of testing required will be dictated by the Council and may, from time to time, change in line with technical and/or organisational developments
- The test used will be suitable for the workplace, and certified as accurate by an approved testing body
- Testing will be conducted in a private area
- The testing method and criteria will be explained to the individual prior to the test being undertaken
- The individual being tested will be asked to sign a Consent Form
- The test will be undertaken by a manager (who will have received appropriate training) or other suitably qualified/trained person
- There will be a Council witness present at all testing
- The employee will be informed of the tests results (alcohol or drugs).

When an employee is asked to take a test they will be asked to provide a written authority for the results to be passed to their line manager(s). A report detailing the result of the drug or alcohol test will be issued to the appropriate manager(s) and the employee.

If the employee tests positive with an alcohol or drug level above the legal driving limit as set out in the Road Traffic Act 1988, or refuses to be tested or to undergo appropriate treatment, an investigation will be commenced and they may be subject to disciplinary action.

Appendix Three

Information/Advice

The Dover Counselling Service

Telephone: 01304 204123

Website: www.dovercc.org.uk

East Kent Community Drug and Alcohol Service

Telephone: 0300 123 1186

Email: eastkent@rapt.org.uk

Turning Point Out There Everywhere – Dover

Telephone: 01304 248290

Email: eastkentenquiries@turning-point.co.uk

Alcoholics Anonymous UK

National Helpline: 0845 769 7555

Website: www.alcoholics-anonymous.org.uk

Narcotics Anonymous

National Helpline: 0845 3733366

Website: www.ukna.org