



## **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 drugs<sup>1</sup> 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

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<sup>1</sup> 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')

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 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 role<sup>2</sup>.

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.

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.

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<sup>2</sup> 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.

## **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](http://www.dovercc.org.uk)

#### East Kent Community Drug and Alcohol Service

Telephone: 0300 123 1186

Email: [eastkent@rapt.org.uk](mailto:eastkent@rapt.org.uk)

#### Turning Point Out There Everywhere – Dover

Telephone: 01304 248290

Email: [eastkentenquiries@turning-point.co.uk](mailto:eastkentenquiries@turning-point.co.uk)

#### Alcoholics Anonymous UK

National Helpline: 0845 769 7555

Website: [www.alcoholics-anonymous.org.uk](http://www.alcoholics-anonymous.org.uk)

#### Narcotics Anonymous

National Helpline: 0845 3733366

Website: [www.ukna.org](http://www.ukna.org)

