

STRONGER together



Lewes District Council



Working in partnership with **Eastbourne Homes**

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1. Introduction

- 1.1. The Councils are committed to providing a safe, healthy and effective working environment, which it is recognised, will not only help our staff, but also increase our ability to offer high standards of service.
- 1.2. The Health and Safety at Work Act 1974 (and other regulations) places a duty on employers to ensure the health, safety and welfare of their employees, so that they do not injure themselves or endanger the public or colleagues. This has particular relevance to alcohol and drugs. Employees also have legal obligations to take care to ensure the health and safety of others who may be affected by their actions at work. This includes members of the public.

2. Scope

- 2.1. This policy applies to all employees of Eastbourne and Lewes Council. 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

3. Aim

- 3.1. The aim of this policy is to protect the health, wellbeing and safety of our staff and the public and to help anyone who may have problems with drug or alcohol abuse and wish to rehabilitate themselves. This policy explains the Councils' position on drug and alcohol misuse and encourages employees who have a problem of drug or alcohol abuse/misuse to seek and be offered help in confidence.

4. Equalities and Diversity

- 4.1. Whilst addiction to drugs and alcohol itself is not a disability the councils recognise that these addictions can be caused by underlying medical conditions and would strongly encourage staff to seek assistance.
- 4.2. An equality and fairness analysis has been conducted and will be reviewed periodically

5. Definitions

- 5.1. "Drug misuse" refers to the intentional or unintentional misuse use of:
 - Illegal drugs
 - Prescribed drugs
 - Substances such as solvents and legal highs

5.2. "Alcohol misuse" refers to drinking at levels that lead to significant harm to physical and mental health that may also cause harm to others.

6. Consumption of Alcohol

6.1. It is acknowledged that individuals are able to decide for themselves whether it is appropriate to drink alcohol. However, this must not adversely affect their workplace, driving or work performance, or compromise service provision to service users.

6.2. Therefore, the Council takes the view that employees are responsible for their own health, safety and welfare during not only normal working hours but also where their inappropriate use of alcohol outside normal working hours may subsequently affect behaviour and performance at work, and constitute a safety risk.

6.3. Staff who work outside of normal working hours are still expected to adhere to the guidance within this policy. That includes, for example, those who are in an 'on call' rota or those required, as part of their role, to be present at a work related event taking place in the evening or during the weekend.

6.4. Everyone covered by this policy has the responsibility to present themselves for work unimpaired by alcohol and to remain unimpaired by alcohol whilst at work. "Unimpaired" for these purposes means with a negative alcohol test result. The level of alcohol concentration in the blood to give an indication of capability and awareness being affected can be identified and a level in excess of 50mg/100ml is a positive blood alcohol result.

6.5. Those covered by the policy must never drive or operate machinery if they are under the influence of alcohol.

6.6. They should seek advice from their GP or the Councils' Employee Assistance Programme (EAP) team for guidance on sensible limits of alcohol consumption should they be unsure.

7. Drug Misuse

7.1. 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.

7.2. Drug misuse by staff is strictly prohibited and will be regarded as a disciplinary matter.

7.3. Staff should be aware that the effects of some drugs, including prescribed and proprietary medication, taken prior or during working hours can remain in

the system for lengthy periods, and can affect work performance and behaviour. This is particularly important for employees in safety critical roles that involve operating machinery and driving. If in doubt, employees should seek medical advice and discuss the situation with their manager.

- 7.4. 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. Some prescription and over the counter medicines have the potential to produce a positive drug test result, particularly if the medicine is codeine based.
- 7.5. If it is considered that there is a significant risk to the health and safety of any employees or the service provided by a member of staff or potential employee, the Council may request that an appointment is sought with an Occupational Health Specialist.

8. Safety Critical Roles

8.1. Safety critical covers all roles within the councils where being under the influence could put the staff member and/or others at risk of harm and can include:

- Any role responsible for or driving a work vehicle.
- Anyone using their own vehicle for work purposes (not driving to and from work)
- Operating machinery
- Technical work e.g. sound or lighting
- Building maintenance
- Working with or in close proximity to large vehicles such as HGV's
- Working at height
- Working close to deep water
- Conducting repairs
- Working directly with the public
- Operational managers
- Anyone needing to make safety critical decisions.
- Visiting people's homes
- Any role that requires the need to urgently respond to unforeseen circumstances.

Examples of these roles can include:

- Groundskeeping staff
- Roles within Neighbourhood First that include duties such as building maintenance and require staff to drive Council vehicles.

- Seafront staff
- Lifeguards
- Leisure centre staff
- Waste Services
- Property services roles that require home visits
- Technical roles and roles dealing directly with the public at the crematorium.
- Technical and front of house staff at the DQ

Other roles and requirements not included above may be deemed to be safety critical, and this list is not exclusive or exhaustive.

8.2. A safety critical worker in this context is defined as “Where the ill health of an individual may compromise their ability to undertake a task defined as safety critical, thereby posing a significant risk to the health and safety of others”

8.3. Ill health for the purpose of this policy is defined as being at risk of

- sudden loss of consciousness;
- impairment of awareness or concentration;
- sudden incapacity;
- impairment of balance or co-ordination;
- significant limitation of mobility.

8.4. All those members of staff operating in a safety critical role will be subject to a 0% tolerance of drugs and alcohol.

9. Voluntary Disclosure

9.1. If those covered by the policy 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 or HR.

9.2. Whether or not a member of staff has or declares that they have an alcohol or drug addiction problem, this will never be accepted as a reason for committing any form of misconduct (gross, serious or minor), negligent act or omission, including presenting for work under the influence of drugs/ and or alcohol.

9.3. In the event of a confirmed positive result for the presence of alcohol or drugs whilst working on Council premises, this will be fully investigated under the 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.

- 9.4. 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.

10. Drug & Alcohol Screening

- 9.1. Drug and alcohol misuse may be tested for under the following conditions:-
- (i) Random screening for staff in safety critical roles
 - (ii) For cause screening
 - (iii) Pre-employment screening
- 9.2. The Councils reserve the right to conduct random alcohol and/or drug testing on any employee in a safety critical role at any time of the working period and no notice will be given.
- 9.3. The Councils reserve the right to carry out for cause screening, usually as a result of an incident or near miss, e.g. a collision, resulting in or having potential to result in serious damage/injury and/or invoking suspicion of alcohol or drugs influence; or dysfunctional behaviour and third party observations from employees, contractors, visitors etc. invoking suspicion of the influence of alcohol or drugs.
- 9.4 For cause screening will only be implemented with authorisation from HR. The member of staff involved will be advised of the reasons for the screening and the procedure will be explained to them. For cause screening will be treated in a sensitive and confidential manner.
- 9.4. 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 a possible outcome.
- 9.5 .Drug and alcohol screening will always be carried out by trained and competent people. Screening will be carried out in privacy, staff undergoing screening will be treated with dignity, and respect at all stages of the process.
- 9.6. The council has yet to appoint a specialist external provider to carry out these tests, we will consider a range of providers and screening methods.
- 9.7. Records of screening results are considered to be 'sensitive' data and will be subject to and processed in accordance with GDPR.

11. Support

10.1.1 Drug and alcohol problems can be dramatically reduced through employees making positive and responsible choices about their drug and alcohol use and being supportive to those who are experiencing problems. Additionally managers and employees can seek help and advice from relevant specialist agencies such as the National Drugs Helpline, Alcohol Change UK and the Drugscope website

10.2 In addition, we offer an Employee Assistance Programme (EAP), which is designed to support employees with all sorts of work life issues. The EAP provides information, support and guidance on a range of issues – 24 hours a day, 365 days a year. Staff can self-refer and this service is completely confidential. Services range from clinical services such as Cognitive Behavioural Therapy, Telephone Counselling, and Face-to-Face Counselling through to practical support and information around debt, legal and specialist information similar to Citizen’s Advice regarding consumer rights and other issues. Employees can be supported in a wide variety of areas.

Further details on the EAP and other wellbeing information can be found on the HR Hub, under Occupational Health

12. Related Policies and Procedures

- 11.1. Disciplinary Procedure
- 11.2. Capability Procedure
- 11.3. Attendance Management
- 11.4. Whistleblowing