

BARNSELY METROPOLITAN BOROUGH COUNCIL

This matter is not a Key Decision within the Council's definition and has not been included in the relevant Forward Plan

**Report of the Director of
Human Resources,
Performance &
Communications**

IMPLEMENTATION OF A DRUGS AND ALCOHOL TESTING POLICY

1. Purpose of report

- 1.1 The purpose of the report is to seek approval for the implementation of a Drugs and Alcohol Testing Policy with immediate effect.

2. Recommendations

- 2.1 To approve the implementation of a Drugs and Alcohol Testing Policy with immediate effect.**

3. Introduction

- 3.1 The Council is committed to providing a safe and healthy work environment for its employees, customer and visitors. This includes ensuring that employees are fit to carry out their duties safely and effectively in a working environment which is free from alcohol and drugs misuse. In the context of work, not only does excessive use of alcohol and drugs damage the misuser's health, but it can cost employers through absenteeism and reduced productivity. It may also increase the risk of accidents or inappropriate decisions being made.
- 3.2 The importance of drug and alcohol testing has been increasingly recognised across the United Kingdom, not only because it is necessary to fulfil regulatory requirements but due to the potential cost implications (financial and reputational) of not doing so. The recent 'Glasgow bin lorry' case highlights the potential impact on a Council. The case, whilst not specifically related to drugs and alcohol, highlights the implications of an employer failing to carry out its duties regarding fitness for work, with outcomes being: potential for civil claims; potential loss of the operators licence and significant reputational damage to the Council.
- 3.3 The Health and Safety Executive suggests that employers should adopt a substance misuse policy including screening of and support for employees

with substance misuse problems. The Council already has a Substance Misuse Policy which offers support to employees who report a substance misuse problem but does not have anything in place to deal with testing of employees. Additionally, the Health and Safety at Work Act etc. states that employers have a duty of care to provide a safe working environment, which includes ensuring that they do not knowingly allow an employee to work when impaired by alcohol or the misuse of drugs – ignorance of the matter is not an excuse and employers must take all reasonably practicable steps to ensure that employees and others are not harmed due to the employer's undertakings.

- 3.4 With the introduction of the Corporate Manslaughter and Corporate Homicide Act 2007 greater emphasis is placed on the Police and HSE to interview senior management after deaths at work to establish whether serious failings contributed to any death. Therefore it is essential that senior management and Members can demonstrate that they are committed to ensuring that robust arrangements are in place to ensure the health, safety and welfare of the Council's employees and service users.
- 3.5 The Council promotes healthy lifestyles within the community including drug and alcohol awareness. Therefore it is essential that we follow such practice with employees. The introduction of a Drug and Alcohol Testing Policy will support this.

4. Proposal and justification

- 4.1 It is proposed to implement the Drugs and Alcohol Testing Policy with immediate effect. In order to ensure adherence with the policy, employees will be required to be randomly or specifically tested:
- **Random Testing** - The random testing programme will be determined by SMT. A number of employees from any group at any level will be randomly selected at a specific time for drug/alcohol testing.
 - **Specific Testing (for cause)** - specific testing may be undertaken following concerns that an employee may be under the influence of drugs and/or alcohol or there is an incident or near miss. Specific testing applies to any role within the Council not just those that are deemed safety critical.
- 4.2 The policy sets out the protocol to be followed when undertaking testing and complies with the chain of custody requirements to ensure the integrity of the test. Guidance is provided within the policy regarding signs/behaviours which may indicate that the employee is unfit to carry out their duties or pose a threat to themselves or others
- 4.3 As part of the implementation, drug and alcohol awareness training will be provided to ensure that employees are aware of the impact of the use of these substances, reminded of the support that is available to employees who come

forward and identify a problem and the introduction of the policy recommended and its implications.

- 4.4 Procurement procedures will be followed to purchase home office approved alcohol testing equipment and to identify a provider to undertake drugs testing on behalf of the Council.

5. Consideration of alternative approaches

- 5.1 Testing for drugs and alcohol supports the Council in ensuring a safe and healthy place for its employees, customers and visitors by creating a working environment which is free from alcohol and drugs misuse. Failure to implement a Drugs and Alcohol Testing Policy would leave the Council open to the potential for challenge as a result of an incident involving an employee under the influence of either alcohol and/or drugs and would mean that the Council isn't complying with Health and Safety Executive recommendations. Therefore to reduce the risk of litigation and reputational damage an alternative approach hasn't been considered.

6. Financial implications

- 6.1 The exact details of costs of implementing the policy have yet to be determined. An initial exercise has been undertaken to identify the costs of purchasing alcohol breath testing equipment and the services of a company to undertake drugs testing. However, at this stage it is not possible to fully quantify the costs because this will be subject to a procurement exercise which will commence once the process for identifying safety critical posts is complete as the total number of posts will impact on the level of service required.

Indicative costs to purchase an electronic breath screening device - £1450
Sterile mouth piece – £0.50 per test
Urine screening drug test - £14.50 per test plus technician time

- 6.2 All costs for testing are to be funded from existing Council budgets. It is anticipated that utilising testing will act as a deterrent with potential for employee sickness levels to fall. The implications of the Council being named in a civil case or subject to enforcement action for failure to comply with its health and safety responsibilities is unquantifiable as is the reputational damage.

7. Employee implications

- 7.1 Any employee can be randomly selected for testing as determined by SMT. Specific testing, where a manager identifies a concern in the behaviour of an employee or where an incident takes place, will also apply to any employee of the Council.

7.2 Employee awareness sessions will take place as part of the policy launch. This may result in employees coming forward to seek support under the existing substance misuse policy.

8. Consultations

8.1 Consultations have taken place with the Senior Management Team and recognised Trade Unions. The Trade Unions are broadly supportive of the proposals.

9. Risk management issues

9.1 The implementation of a Drugs and Alcohol Policy will provide mitigation should the Council be investigated by enforcement bodies. Additionally, adherence to the policy has the potential to identify substance misuse issues at an early stage therefore reducing the risk of a health and safety breach to employees and service users and the possibility of litigation.

10. Promoting equality, diversity, and social inclusion

10.1 An equality impact assessment has been undertaken on the policy which will be applied fairly and consistently across the Council.

13. Glossary

HSE – Health and Safety Executive

14. List of appendices

Appendix A – Drugs and Alcohol Testing Policy

15. Background papers

15.1 Are contained in working files in Human Resources and are available for inspection.