

## Introduction

The Council prohibits the consumption of alcohol and illegal drugs (as defined in the Drug, Alcohol and Substance Misuse Policy) at **any time** during working hours. This includes prior to work, during breaks (including lunch breaks) and any periods where the employee is formally on-call or standby. This includes employees working from home and those who hybrid working. Employees must not at any point of the day or night present to work having consumed alcohol or drugs that may affect their ability to undertake their work safely, even if those are prescription drugs.

This document sets out the corporate policy on when and how drug and alcohol testing of employees can be undertaken. This will only be if it is suspected that an employee has presented for work under the influence of drugs or alcohol and they deny that this is the case, known as 'With Cause' testing.

## Aims of the Policy

The aims of this policy are:

- To ensure that where they have reason to suspect that an employee has alcohol or drugs in their system, managers have mechanisms in place to establish whether this is the case, and therefore ensure that safety can be maintained, and appropriate interventions put in place to support the employee.
- To reinforce the Authorities commitment to supporting employees undertaking a rehabilitation programme all employees participating in a rehabilitation program may be required to undergo further drug or alcohol testing.
- To ensure that all employees are treated fairly and consistently, and in line with relevant equalities policies and legislation

## Scope

This policy applies to all employees and agency staff with the exception of those working in maintained schools under the direct control of a School Governing Body.

## School Based Employees

Newport City Council commend this policy to individual Governing Bodies for adoption. If adopted by a Governing Body, the policy will apply to all employees under the direct control of that Governing Body.

## To be read in conjunction

- [Alcohol and Drug Policy](#)
- [Data Protection Policy](#)
- [Risk Assessment Policy](#)
- [Disciplinary Policy](#)

- [Wellness at Work Policy](#)
- [Employee Code of Conduct](#)

## PRINCIPLES

This Policy covers the misuse of alcohol and drugs, including inappropriate use of prescribed drugs. The definition of misuse is any use, either intermittent or continual, which interferes with a person's health and/or work performance so that safety, efficiency, productivity, or work attendance is affected. The use of the term "misuse" throughout the policy does not imply that illegal substances have a correct use.

There are many ways in which alcohol and drug misuse may threaten the health and safety of the employee, their colleagues and service users. For example, such misuse is clearly incompatible with the following: • Driving a vehicle • Using machinery/equipment/tools • Working with children, young people, or vulnerable adults. All employees should be aware that Section 7 of The Health and Safety at Work Act 1974 states "it shall be the duty of every employee while at work to take reasonable care for the health and safety of him/herself and of other persons who may be affected by his/her acts or omissions at work".

To protect all employees, it is necessary to have the ability to carry out testing where concerns are raised, and the action of testing is deemed warranted.

1. Drug and alcohol testing will only be carried out 'With Cause'; where due to an employee's behaviour, appearance, performance, or other factor (e.g., smell of alcohol), the manager has a reasonable belief that the employee might be under the influence of alcohol or drugs. A non-exhaustive list of possible signs of intoxication can be found at appendix A.
2. Drug and Alcohol testing will also be carried out as part of the rehabilitation program where employees who are participating in such programmes may be required to undergo further drug or alcohol testing. This testing will serve as a supportive measure to monitor progress and ensure compliance with the rehabilitation program. Employees will be notified in advance of any scheduled tests and will be provided with wellbeing support throughout the process.
3. Nothing in either this policy or the Drug and Alcohol Policy shall prevent the disciplinary action being taken under Disciplinary Policy where necessary, however this is not the primary purpose of the testing process, which is to ensure public and employee safety and assist employees who may be struggling with substance misuse issues.
4. Where there is a reasonable belief, the manager must, in the first instance, speak to the employee to discuss their concerns. The manager must, under no circumstances, allow an employee to carry out work if they believe that they are under the influence of drugs or alcohol.
5. The manager must not allow the employee to leave and drive home if they believe that they are under the influence of drugs and alcohol. If the manager believes that a criminal offence has, is or will be committed they must contact the police by the most appropriate method under the specific circumstances. The manager must not put themselves at any risk in order to prevent an employee from leaving, nor are they allowed to physically prevent an employee from leaving e.g., by using physical restraint or locking doors. If an employee is suspected of having drugs or alcohol in their system and has been requested to take part in a discussion or to submit to a drug or alcohol test, then they must remain in the workplace to do so until these have been concluded, even if their shift may have ended.

Remuneration will be provided where necessary and the employee will be supported with any arrangements, they need to put in place to support outside work commitments.

6. If the employee admits to having drugs or alcohol in their system, then the provisions of the Drug and Alcohol Policy will take effect however testing will still be carried out. If further instances happen, then it may be necessary to re-institute this policy.
7. If the employee denies having drugs or alcohol in their system and can provide no other explanation to alleviate the manager's suspicions, then the manager will seek the employee's consent to the carrying out of an alcohol or drug test. The employee is, under the terms of this policy, required to submit for testing. If they consent, they must be informed of their rights under this process. They will be given a copy of a Donor Information Leaflet and will be asked to sign a consent form to permit the test/s to take place. The manager will then make contact with the appropriate drug and alcohol testing organisation to arrange for testing to be undertaken. The employee may be required to give further consents to the testing organisation when they give the samples.
8. Employees are expected to comply with reasonable requests to undertake an alcohol or drug test. Refusing to comply may be considered to constitute refusal to carry out a reasonable request and may therefore be subject to action under the Council's Disciplinary Policy.
9. Where a manager deems that an alcohol or drug test is necessary, it is essential that the test is carried out as soon as possible. Therefore, the employee will be required to wait, in a private room, until they can be escorted to the testing facility/testing company are able to attend, even if their shift or working day has come to an end. A manager or other appropriate responsible member of staff will, as long as it is safe to do so following a dynamic risk assessment, wait with the employee to ensure that the employee cannot do anything to affect the results of the test or abscond without the manager knowing. If the reason for the testing is as the result of an accident or incident, the responsible person should be someone who was not involved in the incident. If the employee at the time of the with cause concern is working from home, then the manager will arrange for transportation from their home to an Authority building where they can wait for the testing facility/testing company to attend.
10. Where Drug and Alcohol testing is required as part of the rehabilitation program; the employee who are participating in such programmes will be invited to participate in a test by a manager.
11. Drug and alcohol tests will be carried out by a suitably trained and competent organisation. Full process flowcharts can be found at appendices B, C and D. Contact details for the testing organisations can be found at appendix F.
12. If the results of the testing are not negative the provisions of the Drug and Alcohol Policy will be applied.

## POLICY

Employees must:

- Not refuse a reasonable request to be tested.
- Not possess illegal drugs at work or misuse prescribed drugs
- Not drive/operate (or attempt to drive/operate) machinery or motor vehicles whilst having alcohol and/or illegal or misused prescribed drugs in their system.

- Not present for work having alcohol and/or illegal drugs in their system
- Not consume alcohol or illegal drugs whilst at work, including at lunch times or on breaks
- Not misuse prescribed medicines whilst at work
- Familiarise themselves with this policy and other related documents.
- Seek professional assistance if he/she has a problem, or potential problem, and attend any Occupational Health appointments, as arranged, and agreed.
- Be alert to the possibility of alcohol and substance misuse symptoms in colleagues and to encourage them to seek assistance.
- Report any potentially criminal behaviour related to drug or alcohol abuse in the workplace to their managers.
- Notify their line manager of any prescription drugs they are taking that may affect their ability to undertake their duties.
- Report to their line manager if they suspect that a colleague has drugs and/or alcohol in their system and therefore putting their own, their colleagues' and public safety at risk.
- Not make malicious or knowingly incorrect accusations towards colleagues

Managers will:

- Ensure they are familiar with the provisions of this policy and associated documentation.
- Ensure they attend training on the policy and associated documentation.
- Ensure their staff are familiar with this policy and associated documentation.
- Be aware of the signs of drug and alcohol misuse/intoxication (appendix A)
- Ensure they approach issues sensitively and without judgement.
- Apply this policy fairly and appropriately and in line with their training.
- Maintain appropriate confidentiality (unless it is unlawful to do so).
- Model appropriate behaviour in relation to drug and alcohol use and the provisions of the Drugs and Alcohol Policy

Human Resources and Health and Safety will:

- Provide help and assistance in relation to individual drug and alcohol abuse cases.
- Provide training for employees/managers/Elected Members in awareness of drug and alcohol misuse and the provisions of this policy

<b>Created By:</b>	Health & Safety Team
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<b>Reviewed By:</b>	Kirsty Plant
<b>Date Reviewed:</b>	<b>April 24</b>

**Current Version:**

V1.02

### Document Control

Version	Date	Author	Notes/Changes
V1.	2019	Health & Safety Team	Creation and Approval
V1.01	01/08/2023	Human Resources & Health and Safety	Full Review following confirmation of provider to undertake testing.
V1.02	02/04/2024	Human Resources	Full review and clarification of home working.
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## Appendix A – Signs of Drug or Alcohol Misuse and Intoxication

Managers are not expected to diagnose and treat drug and alcohol abuse or to manage the consequences in the workplace, however it is important that all staff are aware of possible signs of alcohol or drug misuse. There is no single characteristic which indicates drug or alcohol misuse, however there are a number of signs which, especially when occurring either in combination, or as a pattern over a period of time, may indicate an alcohol or drug related problem.

Drug or alcohol intoxication or misuse may be indicated by:

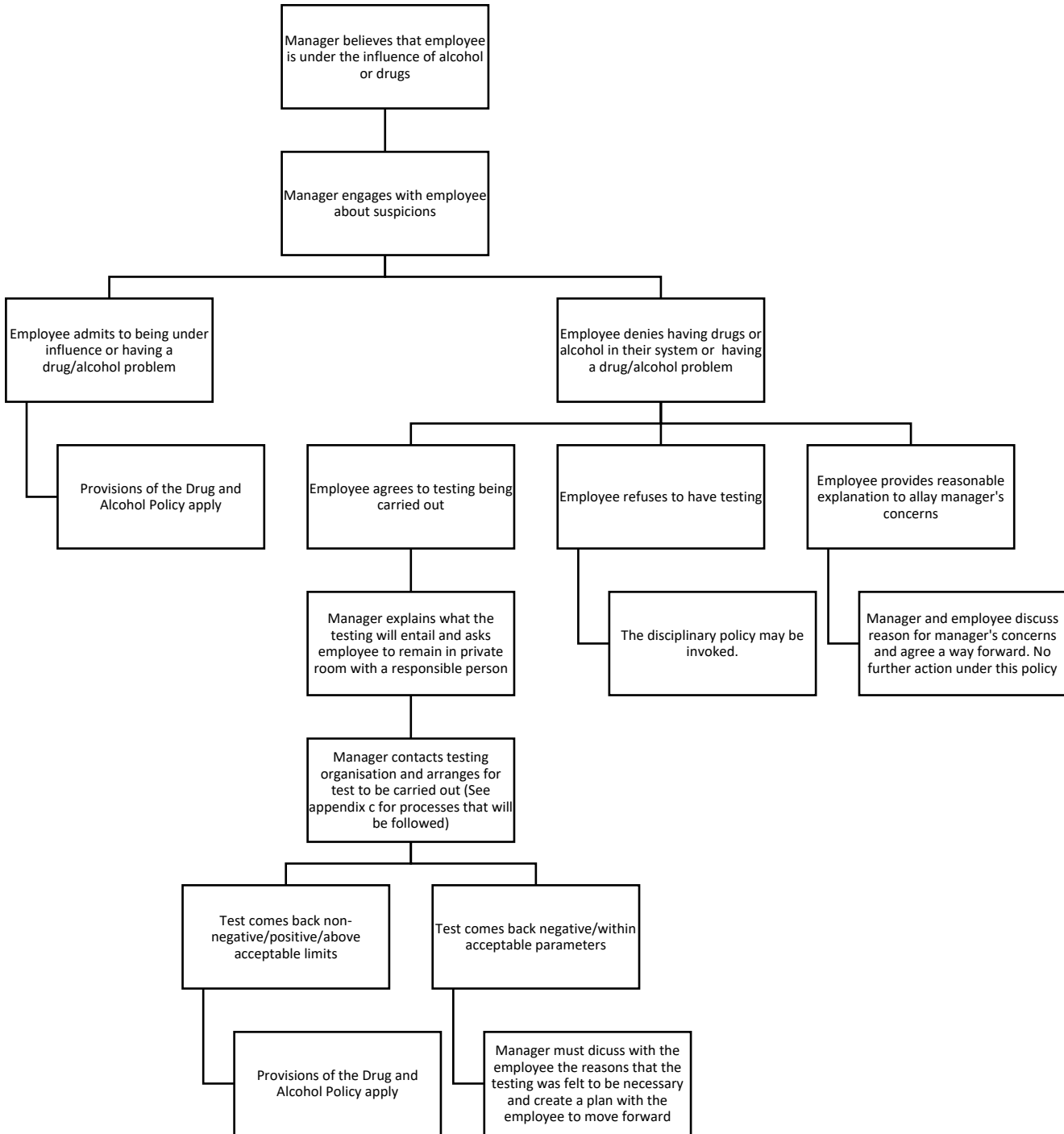
- Smell of alcohol coming from individual
- Change in appetite (loss or increase)
- Complaints from other members of staff or members of the public
- Overheard comments from other members of staff or members of the public\*
- Frequent or increasing absence from work or poor timekeeping e.g., always late after lunch.
- Noticeable patterns of absence e.g., every Monday morning,
- Noticeable patterns of individual complaining of feeling unwell e.g., frequent ‘colds’ or ‘stomach upsets’
- Decline in standards of dress or appearance, poor personal hygiene.
- Dramatic weight change
- Pupils dilated.
- Slurred speech
- Change to reaction times.
- Significant accident/incident or increase in minor accidents and incidents.
- Poor performance or decision making
- Problems remembering instructions.
- Inappropriate or out-of-character behaviour (e.g., violent, or aggressive behaviour, obscene language)
- Erratic moods or mood swings
- Lack of focus or concentration, lethargy, confusion
- Disinhibition

This list is general and non-exhaustive. There may be other signs or symptoms specific to an individual not listed here.

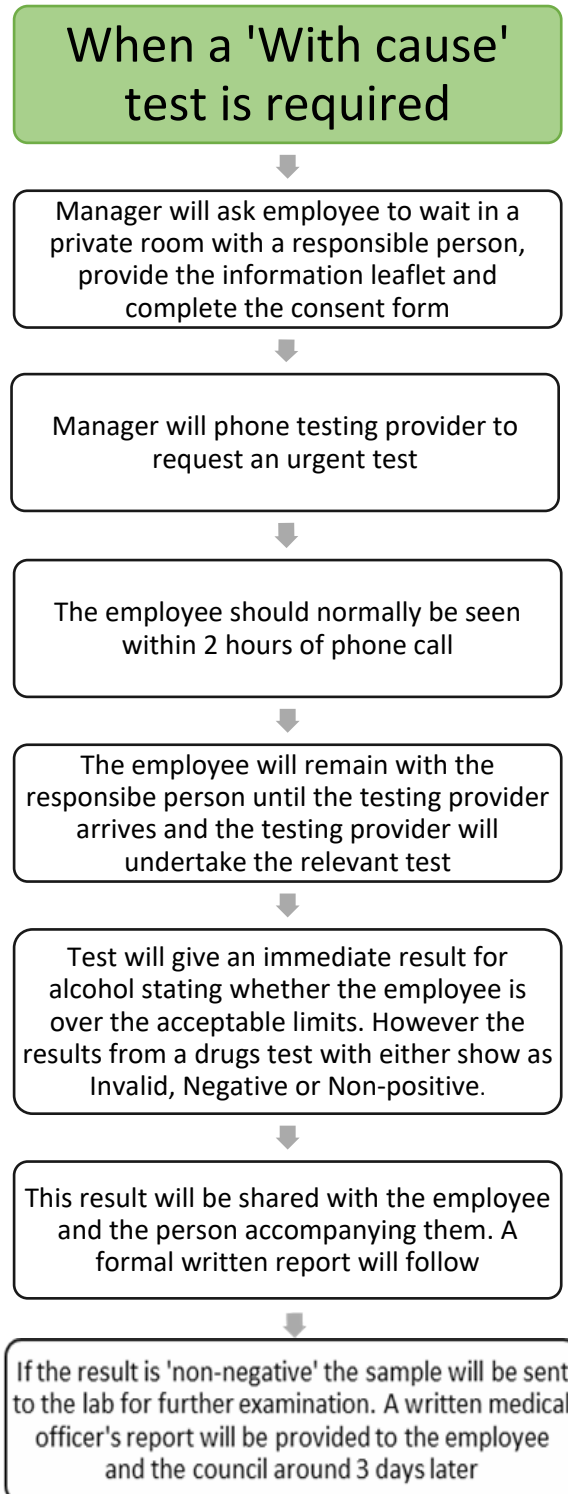
It must be noted that the presence of one or more of these signs is NOT exclusive to alcohol or drug intoxication/misuse and might indicate other illnesses/conditions. Some employees may take prescription drugs for medicinal purposes which have side effects similar to those listed above, have physical or mental health medical conditions or be suffering from issues like bullying, bereavement or personal circumstances such as domestic abuse, whose symptoms could be mistaken for signs of intoxication or an alcohol or drug problem.

\*Overheard comments will not be considered a reason for undertaking testing in isolation. Verification must be sought from the individual who made the comment as to their reasons for believing there is a problem. There must then, as with any other reason for considering testing, be a discussion with the individual about whom the concern has been raised and further investigation/fact finding.

**Appendix B – If a manager suspects an employee is under the influence of drugs or alcohol:**



### Appendix C – What Happens When a Test is Required?





- <sup>1</sup> – Contact details found at Appendix D below
- <sup>2</sup> – Managers will need to pay for out of hours testing out of their service area budgets.
- <sup>3</sup> – Acceptable breath concentration is 22 micrograms of alcohol/100 millilitres of breath. This is lower than the Welsh drink drive limit. This is not set at zero because of the high likelihood that something other than alcohol consumption could register on the breathalyser e.g., mouthwash, asthma inhalers, heavy smoking, or low blood sugar.

#### **Appendix D – Contact Details for Drug and Alcohol Testing**

DNA Workplace  
Frome Business Park  
Manor Road  
Marston Trading Estate  
Frome  
BA11 4FN

Office no 0203 943 8371

Testing Request No. DWC022