

# Report

## **Deputy Leader / Cabinet Member for Education and Early Years**

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### **Part 1**

**Date:** 8 August 2024

**Subject** **Drug and Alcohol Policy and Testing Policy**

**Purpose** For the Cabinet Member to consider the amendments to the Drug & Alcohol Policy and Testing Policy following the pilot around Drug & Alcohol Testing provision.

**Author** HR&OD Manager

**Summary** The Cabinet Member for Organisational Transformation agreed a new D&A Testing policy which was implemented as a pilot within Infrastructure Services and Environment & Public Protection (Waste & Cleansing) in September 2023 to date.

The Council's supportive Drug & Alcohol Policy that had been in existence for a number of years was also updated to reflect the new policy provision around a testing process.

It is now proposed, following successful pilot, to implement the Testing Policy across the whole Council with some slight amendments to ensure organisational fit.

**Proposal** To agree the amendments to the policies and agree to adopt and rollout across the Council. These policies will be commended to schools for adoption.

**Action by** HR & OD Manager

**Timetable** September 2024

This report was prepared after consultation with:

- Head of People, Policy & Transformation
- HR & OD Manager
- Employee Partnership Forum
- Trade Unions
- Health, Safety & Wellbeing Team
- Corporate Management Team

## **Background**

The Council recognises that its employees are its most valuable resource in delivering high quality services to our communities and wish to take proactive steps to bring our policies in line with the Council's core values and behaviours alongside our new People Plan. In fulfilling our responsibilities to our employees, the Council is committed to providing a safe and supportive working environment for everyone who works for the organisation and the residents they serve.

The Council has long prohibited 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. The policy also covers employees working from home and those who are hybrid working. Employees must not at any point of the day or night present to work, no matter what their role, having consumed alcohol or drugs that may affect their ability to undertake their work safely, even if those are prescription drugs.

Both the D&A Testing Policy and the D&A Policy set out the position on when and how drug and alcohol testing of employees can be undertaken. Testing will take place 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. This policy does not currently cover 'Random' testing.

Additionally, the combined two policies set out the support available to employees who declare they may have a dependency on drugs and or alcohol. The Council commits to supporting colleagues who disclose or seek out support with reliance on Drugs or Alcohol.

## **Pilot**

The Councils Drug & Alcohol Policy and Drug & Alcohol Testing Policy were reviewed at the Councils Social Partnership group, EPF (Employee Partnership Forum) in June 2023 and implemented from September 2023 in a pilot within Infrastructure Services and Waste Services.

Implementation of the amendments to the D&A Policy and the new Testing Policy commenced on 4<sup>th</sup> September 2023. The implementation of the testing policy was supported by workforce communications and training to those in the pilot areas. The Strategic HR team also received the appropriate training to support the organisation.

During the pilot period from 4<sup>th</sup> September to date there has been no necessity to engage the testing policy. Not requiring the use of the testing policy highlights the commitment and professionalism of our employees and reflects a positive workplace culture and adherence to not presenting in the workplace with drug or alcohol symptoms.

## **Council Wide Implementation & Proposal**

Following the successful implementation of the pilot, it is now proposed to consider the implementation of the policies throughout the whole Council. In preparation for this the current policies have been reviewed following the pilot. There are two proposed amendments to the policies following the review to ensure they are fit for the rest of the organisations circumstances:

- 1 proposed alteration to clarify the support and process for staff members who are home or hybrid working, and arrangements should they be required to test.

- 2 to include an addition of further testing for those staff who are receiving support as part of the rehabilitation programme - requesting them to undergo a further drug or alcohol test. This testing will serve as a supportive measure to monitor progress and ensure compliance with the rehabilitation program.

Trade Union colleagues and other members of EPF were consulted through the Councils Employee Partnership Forum on the amendments to the policies and the pilot outcomes in April and May 2024 and no additional comments have been received.

## Financial implications

There are no direct costs to the implementation of the revised policies, however the cost of calling out the external testing provider, if needed, will be charged to the relevant service area as and when required and is procured following the Council procurement processes.

## Risks

Risk Description	Title /	Risk Impact score of Risk if it occurs* (H/M/L)	Risk Probability of risk occurring (H/M/L)	Risk Mitigation Action(s) What is the Council doing or what has it done to avoid the risk or reduce its effect?	Risk Owner Officer(s) responsible for dealing with the risk?
Budget Constraints		L	L	There is limited impact on budgets and costs are low should testing be required.	Service Areas
Breach of Health and Safety at Work Act		H	L	Adopting the policy will support our aspiration to ensure a safe working environment for our workforce	Head of People, Policy & Transformation

## Links to Council Policies and Priorities

[HR-Drug and Alcohol Testing Policy \(newport.gov.uk\)](https://newport.gov.uk)

[HR-Drug Alcohol and Substance Misuse Policy \(newport.gov.uk\)](https://newport.gov.uk)

## Options Available

The options available are as follows:

1. For the Cabinet Member to approve the proposed additions and agree full council adoption of policies
2. For the Cabinet Member to not approve the proposal

## Preferred Option and Why

For the Cabinet Member to approve the proposals.

## Comments of Chief Financial Officer

There are no direct financial impacts as a result of this report, any requirement to call on testing provisions are service provision costs that will be met from service area budgets as and when required.

## Comments of Monitoring Officer

The proposed policy is lawful and there are no direct legal implications arising from the report. It is at the discretion of the Cabinet Member as to whether to adopt the proposed changes.

## Comments of Head of People, Policy and Transformation

The comments of the Head of People, Policy and Transformation are considered in the overall body of the report.

### **Fairness and Equality Impact Assessment:**

- **Well-being of Future Generation (Wales) Act**
- **Equality Act 2010**
- **Socio-economic Duty**
- **Welsh Language (Wales) Measure 2011**

There is no requirement for a Fairness & Equality Impact Assessment because of these changes, as there is no adverse impact and equal access is available across the workforce.

From a Well-being of Future Generations Act perspective:

Ensuring a safe and healthy workforce will provide significantly improved **long-term** benefits for their employment and future career prospects. This should help to **prevent** wellbeing and drug and alcohol dependency. The proposal takes a **collaborative** approach and will support the Council's well-being objectives, as well as supporting one of the seven well-being goals, "A prosperous Wales", whilst not adversely affect the other goals.

### **Consultation**

Trade Unions consulted via Employee Partnership Form. The Cabinet Member for Organisational Transformation and Cabinet Member for Human Resources have been consulted and are supportive of the proposal.

### **Background Papers**

Minutes of EPF  
NCC People Plan  
NCC Health, Safety & Wellbeing Plans

**Dated: 8 August 2024**