



AGENDA ITEM: 8

SUMMARY

Report for:	Cabinet
Date of meeting:	20 th October 2015
Part:	1
If Part II, reason:	

Title of report:	ALCOHOL TESTING POLICY
Contact:	<p>Cllr Janice Marshall, Portfolio Holder for Environmental, Sustainability and Regulatory Services.</p> <p>Author/Responsible Officers:</p> <p>Paul O'Day Lead Officer Corporate Health & Safety</p> <p>Chris Troy, Group Manager (Regulatory Services)</p> <p>Dave Austin, Assistant Director (Neighbourhood Delivery)</p>
Purpose of report:	To seek approval to an Alcohol Testing Policy.
Recommendations	That Cabinet recommend Council to approve the Alcohol Testing Policy as set out in this report which is intended to supplement the Council's existing Alcohol Drugs and Substance Misuse Policy.
Corporate Objectives:	Resources and Value For Money; Optimise Resources and Implement Best Practice.
Implications:	<u>Financial</u>
'Value For Money Implications'	<p>There are costs associated with procurement of monitoring equipment as detailed in the report.</p> <p><u>Value for Money</u></p> <p>Costs of providing equipment & screening were fully assessed and a brief summary is provided in section 1 of the report.</p>
Risk Implications	Currently there is a risk that action could be taken against the Council for unfair dismissal as there is no objective

	<p>testing/screening to test employees for alcohol limits whilst at work. To ensure that the final process is objective an independent accredited organisation would be employed to conduct the final alcohol test using home office approved breathalyser. Any risks are offset by the consequences of any incident or accidents caused by personnel that have excess alcohol whilst engaged in work activities or driving.</p> <p>The key risks :</p> <ul style="list-style-type: none"> • Statutory non compliance • Risk of serious accidents/fatalities • Legal action taken against the Council (both criminal & civil) • Reputational damage to Council
<p>Community Impact Assessment</p>	<p>A Community Impact Assessment is not applicable as the drink/drive used for the purposes of this policy are set out in legislation and do not discriminate between individuals, culture, gender, disability or age etc. This policy relates to employees only.</p> <p>It is proposed this policy applies to all staff across the Council. This addresses concerns from the unions that operational staff at the depot could be targeted unfairly as many of the depot staff drive or operate machinery.</p>
<p>Health And Safety Implications</p>	<p>None. Implementation of the policy will enable DBC to demonstrate they are complying with Health & Safety requirements and best practice.</p>
<p>Monitoring Officer/S.151 Officer Comments</p>	<p>Monitoring Officer:</p> <p>No comments to add to the report</p> <p>Deputy S.151 Officer</p> <p>The anticipated usage levels will be contained within the existing Corporate Health & Safety budget but this will need to be monitored and reviewed to ensure that if a higher level of tests are required then there is sufficient funding to cover activity levels.</p>
<p>Consultees:</p>	<ul style="list-style-type: none"> • Unions • Cupid Green Health & Safety Group • Health & Safety Committee • CMT
<p>Background papers:</p>	<p>Alcohol, Drugs and Substance Misuse Policy. The proposed arrangements supplement the existing Alcohol Drugs and Substance Misuse Policy and improve the process of detection and monitoring for alcohol.</p>
<p>Glossary of acronyms and any other abbreviations used in this report:</p>	

1. Background

- 1.1 The Council currently has a Policy on Alcohol and Drugs Misuse (see attached), however there is no objective means to determine whether employees are under the influence of alcohol or not. The original request to review the policy came from Waste Services and Clean, Safe and Green which have many high risk operations.
- 1.2 As testing for drugs and alcohol would be a new approach for the Council, the Health & Safety Committee agreed that it would be wise to initially focus solely on alcohol testing. After extensive consultation via the Health & Safety Committee and Unions exploring various options, the new proposed policy obtained the approval of the Health & Safety Committee.
- 1.3 This new policy is proposed to be adopted because it provides an objective testing regime to confirm whether or not staff are under the influence of alcohol whilst at work. It is envisaged that the testing elements contained in this policy will have a deterrent effect.

2. Scope of the Policy

- 2.1 This policy is intended to cover all employees regardless of their duties. Tests would be conducted on suspicion, after a serious accident (particularly involving vehicles and dangerous equipment) and randomly. The arrangements cover random testing, testing on suspicion and following an accident/incident and the limits used are based on current national drink/drive limits used by the police. This is not currently a zero tolerance policy, although this may be reviewed in the future.

3. Summary of Process

- 3.1 For all tests there would be two stages, an initial screening test undertaken by designated Council employees and a confirmation test undertaken by an external provider.

a. Initial screening test.

Initial screen test would be conducted in-house by Corporate Health & Safety staff supplemented by Environmental Health Managers who would be on call. Human Resources (HR) staff would do the testing on Environmental Health and Corporate Health & Safety staff.

b. External confirmation testing

If an employee fails the initial screening test then an external provider using Home Office approved breathalysers would be called to conduct a confirmation test.

3.2 Suspicion

- 3.2.1 If a manager/supervisor has a suspicion that a member of staff may be under the influence of alcohol he/she would call Corporate Health & Safety, which would then have an officer

in attendance to carry out a test within one hour. Screening test conducted – (a control on the tester and a test on the donor).

3.2.2 Screening (conducted by DBC staff):

- a. If negative test results recorded – no further action
- b. If negative test but showing some alcohol results recorded – H&S advice given on dangers of working with alcohol.
- c. Test positive (i.e. above drink/drive limit) call external provider – HR notified.

3.2.3 Confirmation Test (conducted by external provider):

- a. If negative test results recorded – no further action.
- b. If negative test but showing some alcohol results recorded – H&S advice given on dangers of working with alcohol.
- c. If positive test results recorded – test results provided to HR to action as necessary

3.3 **Accident/incident**

3.3.1 Manager notified of serious accident/incident then calls Corporate H&S, they attend within one hour, and the process would be the same as points a) to f) above.

3.4 **Random**

3.4.1 Randomised testing, HR to provide an initial 50 random names from database for the first cycle of random testing. This figure would be subject to review after 6 months depending on results. The process would be the same as points a) to f) above.

4. **Timescales of implementation of Policy**

- 4.1 If approved there would be an initial period to procure the in-house screening equipment and the external provider. Prior to the implementation of the policy there would be a two month amnesty so allowing staff that may have an issue with alcohol to approach HR and seek help as per the current policy.
- 4.2 Staff who would undertake the initial screening test would be trained in the period.
- 4.3 Training sessions would be delivered to Group Managers and/or Team Leaders to demonstrate the initial screening tests in addition to drop-in sessions at both the Civic Centre and Cupid Green Depot for staff to attend.

5. **Transparency & Review**

5.1 Review at H&S committee would occur after the first round of random tests. This would also be an opportunity to review any test undertaken on grounds of suspicion or after an accident. A general review of the

policy will take place after 6 months and findings shared with members.

- 5.2 The Unions have requested that the results of random tests be presented to the Health & Safety Committee to confirm that no single area of the Council is being unfairly targeted. This information would merely contain the number of tests, the department and the result; no names would be provided.

6. Financial Implications

- 6.1 As detailed in 3.1, there is a two-step process to ensure the process is as cost effective as possible. That said, clearly the financial implications are largely dependent on the number of cases of suspicion occurring during the year so will need to be monitored.
- 6.2 The costs for the process would be as follows:
- a) This would be done in a similar manner to a road side Police breath test kit, which costs between £100 to £200 and mouthpieces around £2 each time.
 - b) Cost at approximately £200 per call out for external provider to test on suspicion. This could be expensive if used on a frequent basis.
- 6.3 An advantage of using an independent supplier to undertake the Home Office approved breathalyser test is that should a test result be a positive, then any disciplinary proceedings would be relying on evidence provided by a third party.
- 6.4 All care of the equipment and calibration of equipment is done by the third party. Third party is available 24/7 hours a day and 365 days a year.

7. Data Protection

All data will be held on relevant databases in accordance with the Council's Data Protection Policy.