



**Bassetlaw**  
DISTRICT COUNCIL  
— North Nottinghamshire —

# JOINT EMPLOYEE COUNCIL

## AGENDA

Meeting to be held in the  
Ceres Suite,  
Worksop Town Hall, S80 2AH  
on Wednesday, 18<sup>th</sup> October  
2017 at 3.00pm

**(Please note time and venue)**

**Please turn mobile telephones to silent during meetings.  
In case of emergency, Members/officers can be contacted  
on the Council's mobile telephone: 07702 670209.**

**In accordance with Regulation 4(6) of the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012, audio/visual recording and photography at Council meetings is permitted in accordance with the Council's protocol 'Filming of Public Meetings'.**

# JOINT EMPLOYEE COUNCIL

**Membership** 2017/18

**Councillors** C. Entwistle, J. Evans, M. T. Gray, J. M. Sanger and J. White

**Substitute Members:** In the event of any member of either side being unable to attend any meeting, another representative may be appointed to attend in his/her place, provided that the substitute is drawn from the same area of representation as the member unable to attend

**Quorum:** 2 Members

## **Lead Officer for this Meeting**

Karen Childs - Ext. 4123

## **Administrator for this Meeting**

Bethany Pinkney - Ext. 3252

**JOINT EMPLOYEE COUNCIL**

**Wednesday, 18<sup>th</sup> October 2017**

**AGENDA**

1. APOLOGIES FOR ABSENCE
2. DECLARATIONS OF INTEREST BY MEMBERS AND OFFICERS \* (pages 1 & 2 D  
(Members' and Officers' attention is drawn to the attached notes and form)
  - (a) Members
  - (b) Officers
3. MINUTES OF MEETING HELD ON 12<sup>th</sup> July 2017 \* (pages 3 & 4 D
4. MINUTES FOR ACTION \* (page 5 FFD
5. OUTSTANDING MINUTES LIST \* (page 6 FHD

**SECTION A – ITEMS FOR DISCUSSION IN PUBLIC**

**Key Decisions**

None

**Other Decisions**

6. REPORT OF THE EMPLOYER'S REPRESENTATIVES \*
  - (a) Alcohol and Substance Abuse at Work Policy and Procedure  
(pages 7 & 8 HD

**Exempt Information Items**

*The press and public are likely to be excluded from the meeting during the consideration of the following items in accordance with Section 100A(4) of the Local Government Act 1972.*

**SECTION B - ITEMS FOR DISCUSSION IN PRIVATE**

**Key Decisions**

None

**Other Decisions**

7. REPORT(S) OF THE EMPLOYER'S REPRESENTATIVES \*
  - (a) Pay and Grading Review (pages 9 & 10 D
  - (b) Review of Agency Workers (pages 11 & 12 D
8. ANY OTHER BUSINESS WHICH THE CHAIRMAN CONSIDERS TO BE URGENT

- \* Report attached
- + Verbal report

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NOTES:

1. The papers enclosed with this Agenda are available in large print if required.
  2. Copies can be requested by contacting us on 01909 533252 or by email:  
[bethany.pinkney@bassetlaw.gov.uk](mailto:bethany.pinkney@bassetlaw.gov.uk)
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## **DECLARATION OF INTERESTS**

### **HOW TO USE THIS FORM**

There are now only two types of Declaration of Interest:

Disclosable Pecuniary Interests	)	Details can be found in the Councillors
	)	Code of Conduct which is contained in
Non Pecuniary Interests	)	the Council's Constitution (a summary is
	)	printed below)

Upon receipt of the attached form you will need to enter the name and date of the Committee and your own name. By looking at the Agenda you will no doubt know immediately which Agenda Items will require you to make a Declaration of Interest.

Fill in the Agenda Item number in the first column of the form.

Enter the subject matter and any explanations you may wish to add in the second column.

In the third column you will need to enter **either** if you are declaring a disclosable pecuniary interest, **or** a non pecuniary interest.

The form must then be signed and dated. Please remember that if during the actual meeting you realise that you need to declare an interest on an additional Agenda Item number please simply amend the form during the meeting.

The form must be handed into the Committee Administrator at the end of the meeting.

NB. The following is a summary prepared to assist Members in deciding at the actual meetings their position on INTERESTS it is not a substitute for studying the full explanation regarding INTERESTS, which is contained in the Council's Constitution and the Code of Conduct for Councillors, which is legally binding.

Members and Officers are welcome to seek, **PREFERABLY WELL IN ADVANCE** of a meeting advice from the Council's Monitoring Officer on INTERESTS.

#### **Disclosable Pecuniary Interests**

May relate to employment, office, trade, profession or vocation carried on for profit or gain  
May relate to sponsorship  
May relate to contracts  
May relate to interests in land  
May relate to licences to occupy land  
May relate to corporate tenancies  
May relate to securities

#### **Action to be Taken**

Must disclose to the meeting  
- existence of the interest  
- the nature of the interest  
- withdraw from the room  
- not seek improperly to influence a decision on the matter

#### **Non Pecuniary Interests**

May relate to any body of which you are a member or in a position of general control or management and to which you are appointed or nominated by the Council  
May relate to any person from whom you have received a gift or hospitality with an estimated value of at least £25  
A Member may also have a non pecuniary interest where a decision in relation to that business might reasonably be regarded as affecting wellbeing or the wellbeing of other council tax payers, or ratepayers or inhabitants in the electoral division or ward, as the case may be, affected by the decision.

#### **Action to be Taken**

Must disclose to the meeting  
- existence of the interest  
- the nature of the interest  
- not seek improperly to influence a decision on the matter.

(Note – there are special provisions relating to “Sensitive Interests” which may exclude the above provisions in certain circumstances.)

**DRAFT**

**JOINT EMPLOYEE COUNCIL**

**Minutes of the Meeting held on Wednesday, 12<sup>th</sup> July 2017 at Worksop Town Hall**

**Present:**

Employer's Representatives:

Councillors Entwistle, J Evans, M T Gray and J Sanger.

Employee Representatives:

K Circuit (Chair) and A Smith.

Officers in attendance: K Childs and C Crossland.

(Meeting commenced at 3.00pm.)

(The Chair welcomed all to the meeting and read out the Fire Alarm/Evacuation Procedure. He also enquired as to whether any member of the public wished to film/record the meeting or any part thereof; however, there were no members of public present.)

**1. NOMINATIONS FOR THE ELECTION OF CHAIRMAN**

**RESOLVED** that K Circuit be elected Chair for the ensuing year.

**2. NOMINATIONS FOR THE APPOINTMENT OF VICE-CHAIR**

**RESOLVED** that Councillor J Evans be appointed Vice-Chair for the ensuing year.

**3. APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillor J White and employee representatives R Parr, T Walstow and J Whalley.

**4. DECLARATIONS OF INTEREST BY MEMBERS AND OFFICERS**

(a) Members

There were no declarations by Members.

(b) Officers

There were no declarations of interest by officers.

**5. MINUTES OF MEETING HELD ON 5<sup>TH</sup> APRIL 2017**

**RESOLVED** that the Minutes of the meeting held on 5<sup>th</sup> April 2017 be approved.

**6. MINUTES FOR ACTION**

In relation to Minute No. 33, Intermediaries Legislation, Members were advised that the revised Agency Workers Policy and Procedure had been approved at the Cabinet meeting on 11<sup>th</sup> July 2017.

In respect of Minute No. 35(b), Agency Workers, Members were provided with clarification in relation to posts in the Property Service Unit.

**RESOLVED** that the Minutes for Action be received.

7. OUTSTANDING MINUTES LIST

**RESOLVED** that the Outstanding Minutes List be received.

**SECTION A – ITEMS FOR DISCUSSION IN PUBLIC**

**Key Decisions**

None.

**Other Decisions**

8. REPORT OF THE EMPLOYER'S REPRESENTATIVES

(a) Dealing with Terminal Illness

Members were presented with a report to consider the support offered to employees facing terminal illness, and to introduce the TUC's Dying to Work campaign for consideration in order to determine an appropriate approach.

The HR Service Manager advised that the Council recognise the difficulties faced by employees with terminal illness and the personal choice for each individual. When cases occur the Council are sympathetic to the wishes of the individual and try to accommodate them if possible. The report outlined the different options available.

Members were asked to consider if the Council's current approach is sufficient or if there is a need to review the procedure to clarify the approach to terminal illness.

An elected Member commented that there are a range of terminal illnesses and durations. She asked if there would be assessments and reviews at different points in time to assess the individual's ability to undertake to the job.

The HR Service Manager advised that there needs to be a clear criteria to fit the scope, this would be factored into the review. Assessments with Occupational Health would need to be carried out and advice taken regarding further assessment.

An elected Member commented that the Council is a caring organisation and this should be stated in the policy.

**RESOLVED** that the reported be noted and the proposal to review the Managing Attendance Policy and Procedure to incorporate a specific reference to dealing with terminal illness be endorsed.

**SECTION B – ITEMS FOR DISCUSSION IN PRIVATE**

**Key Decisions**

None.

**Other Decisions**

## 9. LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985

**RESOLVED** that, in accordance with Part 1 of Schedule 12A of the Local Government Act 1972, and after considering the public interest test as set out by the officer in the body of the report, Members agreed that the following items of business involved the likely disclosure of exempt information as defined in Paragraph 4, and therefore, in accordance with Section 100A of the Act, the press and public be excluded from the meeting:

Agenda Item No.9(a) – Pay and Grading Review – Paragraph 4

Agenda Item No.9(b) – Review of Agency Workers – Paragraph 4

## **SECTION B – ITEMS FOR DISCUSSION IN PRIVATE**

### **Key Decisions**

None.

### **Other Decisions**

## 10. REPORT(S) OF THE EMPLOYER'S REPRESENTATIVES

### (a) Pay and Grading Review

Members were given an update outlining progress on the Pay and Grading Review. The HR Service Manager advised that the formal appeal stage had been undertaken and the outcomes communicated to employees. Members were advised of the next stages of the review. A copy of a joint communication sent to all employees was circulated to Members.

**RESOLVED** that the report be noted.

### (b) Agency Workers

Members were updated on the use of agency workers and consultants for the period 1<sup>st</sup> January 2017 to 31<sup>st</sup> March 2017. The data was appended to the report with a years' worth of data for comparison.

The data and particular incidences were discussed by Employee Representatives and elected Members.

**RESOLVED** that:

1. The report on the use of agency workers and consultants be noted.
2. In order to seek to reduce the incidence of agency workers, managers be required to complete the quarterly monitoring form and data be reported to the Joint Employee Council.

## 11. ANY OTHER BUSINESS WHICH THE CHAIR CONSIDERS TO BE URGENT

As there was no other urgent business to discuss, the Chair thanked everyone for their attendance and closed the meeting.

(Meeting closed at 3.38pm.)



**MINUTES FOR ACTION AND IMPLEMENTATION SHEET**

**JOINT EMPLOYEE COUNCIL**

12/07/17

FROM: Democratic Services Officer TO: HRSM = HR Service Manager  
(for forwarding to Unit Managers)

The following decisions are brought to your attention for action by the appropriate officers within your Service :

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**8. REPORT OF THE EMPLOYER'S REPRESENTATIVES**

(a) Dealing with Terminal Illness

**RESOLVED** that the reported be noted and the proposal to review the Managing Attendance Policy and Procedure to incorporate a specific reference to dealing with terminal illness be endorsed.

**HRSM**

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**10. REPORT(S) OF THE EMPLOYER'S REPRESENTATIVES**

(b) Agency Workers

**RESOLVED** that:

1. The report on the use of agency workers and consultants be noted.
2. In order to seek to reduce the incidence of agency workers, managers be required to complete the quarterly monitoring form and data be reported to the Joint Employee Council.

**HRSM**



**JOINT EMPLOYEE COUNCIL**

**18<sup>th</sup> October 2017**

**OUTSTANDING MINUTES LIST**

Members please note that the updated positions are shown in bold type following each item.  
(HRSM= HR Service Manager)

<b><u>Min. No.</u></b>	<b><u>Date</u></b>	<b><u>Subject</u></b>	<b><u>Decision</u></b>	<b><u>Officer Responsible</u></b>
10(b)	12.07.17	Agency Workers	(2)In order to seek to reduce the incidence of agency workers, managers be required to complete the quarterly monitoring form and data be reported to the Joint Employee Council.	HRSM
		<b>See Agenda Item No. 7(b)</b>		



**BASSETLAW DISTRICT COUNCIL**

**JOINT EMPLOYEE COUNCIL**

**18 OCTOBER 2017**

**REPORT OF THE HR SERVICES MANAGER**

**ALCOHOL AND SUBSTANCE ABUSE AT WORK  
POLICY & PROCEDURE**

Cabinet: Leader of the Council  
Contact: Karen Childs  
Ext. 4123

**1. Public Interest Test**

- 1.1 The author of this report has determined in preparing this report that the contents are not of a confidential nature.

**2. Purpose of the Report**

- 2.1 To propose a revised Alcohol and Substance Abuse at Work Policy and Procedure, which includes random and with cause alcohol and drug testing, for consideration and to commence consultation.

**3. Background and Discussion**

3.1 Glasgow Judgement

- 3.1.1 Following the Fatal Accident Inquiry that was conducted by the Sherriff's Court in Glasgow, into the death of six people who died when a bin lorry mounted a pavement in Glasgow city centre a number of recommendations were published that identified areas which required consideration, to ensure that organisations operated safe practices in ensuring public safety.

- 3.1.2 This was followed up by specific recommendations made by the Local Government Association (LGA) to identify as best practice a number of processes and checks.

3.2 The Council Response

- 3.2.1 The Council has been working through the various recommendations in order to ensure that any necessary changes to policies and processed are addressed. One of the LGA recommendations is to have due regard to random alcohol and drugs testing of safety critical staff.

- 3.2.2 Bassetlaw District Council employs a number of people in safety critical roles. As a result of the judgement, it has been identified there is a need to ensure the Council has in place appropriate policy and procedures for alcohol and drug testing for such roles.
- 3.2.3 The term safety critical is not directly defined in law. Nevertheless, in common usage it usually means an activity that, if it would go wrong, could put other peoples' lives and/or significant investments at risk.
- 3.2.4 As a consequence the Council has commenced a review of the Alcohol and Substance Abuse at Work Policy and Procedure through the Policies Working Group, which comprises of management and trade union representatives.
- 3.2.5 The main purpose of this policy remains the same, which is to:
- Set standards expected by all Council staff and those carrying out work for or on behalf of the Council.
  - Promote greater awareness of how alcohol and drugs dependency can be prevented
  - Meet the Councils legal obligation of duty of care for employees and third parties
  - Comply with relevant legislation
- 3.2.6 The policy has been updated to:
- Include details of the procedure and method of the random and 'with cause' alcohol and drug testing process for individual in safety critical roles.
  - Provide greater clarity on individual roles and responsibilities. This is of particular importance to ensure that testing is managed appropriately and fairly, and that everyone is clear about the process to adopt.
- 3.2.7 Random and 'with cause' testing would be undertaken by suitable external providers with controlled processes for testing and handling of results.
- 3.2.8 A copy of the draft policy and procedure is attached as appendix 1.

#### **4. Implications**

a) For service users.

It is extremely important to ensure that service users are not placed at risk due to the abuse of alcohol and or drugs by employee/workers.

b) Strategic & Policy

The revised policy supports the strategic priority: A Resilient Local Authority

c) Financial – Ref: 18/124

There are no cost implications arising directly from this report as it is a proposal for consultation only. However, the introduction of random alcohol and drug testing would incur a costs should this proposal be approved.

d) Legal - Ref: 130/10/2017

There is no specific regulation about substance abuse and the workplace. However, this issue is covered under general duty of care responsibilities:

- The Authority has a legal obligation to protect the health, safety and welfare of our employees and others who may be affected by our activities, as far as reasonably practicable, under the Health and Safety at Work Act 1974.
- The Misuse of Drugs Act 1971 makes it clear that allowing the production supply or intake of drugs on work premises is a criminal offence. Offences should be reported to the police; failure to do so could mean the Council is liable to prosecution.

The introduction of this policy demonstrates that the legal obligations placed upon the Council have been appropriately considered and measures put in place to ensure they are met.

e) Human Resources

Communication of the policy in an appropriate manner will be important in ensuring staff understand their obligations and responsibilities, and that managers can respond appropriately where staff may have dependency issues.

f) Community Safety, Equal Opportunity, Environmental

The policy is intended to ensure the Council can effectively manage and mitigate against risks that may arise where those delivering Council services may be affected by the consumption of alcohol or alcoholic dependency, the inappropriate, illegal or excessive use of drugs or other substances

g) This is not a Key Decision.

**5. Options, Risks and Reasons for Recommendations**

To note the contents of this report and the draft attached, and carry out a period of consultation with a view to finalising the Alcohol and Substance Abuse at Work Policy and Procedure for agreement at the next JEC

**6. Recommendations**

To approve Option 1, which is to note the contents of this report and the draft attached, and carry out a period of consultation with a view to finalising the Alcohol and Substance Abuse at Work Policy and Procedure for agreement at the next JEC

**Background Papers**

**Location**

None



# Alcohol and Substance Abuse at Work Policy and Procedure

## (Excluding JNC Chief Officers and JNC Chief Executive)

### Our Policy

#### **What is this policy about?**

Bassetlaw District Council is committed to ensuring the health and safety of its employees, workers, contractors and visitors by having clear procedures in place regarding the misuse of alcohol, drugs and other substances.

Alcohol and drug problems are prevalent in society and are associated with a wide variety of costs for both employers and employees. These costs include ill-health, sickness absence and reduced work performance. The consumption of alcohol and drugs has implications for health and safety at work since these substances impair co-ordination, judgement, decision making leading to an increased risk of accidents occurring.

#### **Who does it apply to?**

The policy and procedure apply to all Council employees.

This policy sets out the standard of conduct expected by all Council staff. It is not intended to restrict employees in the general exercise of their civil rights as citizens. However, all those carrying out work for or on behalf of the Council, including volunteers, agency workers, consultants and contractors (who will be subject to the HR policies and procedures of their own employer) are also required to adhere to the principles and rules of the policy. Failure to do so may lead to a withdrawal of work or cessation of any arrangement in place for carrying out work for the Council.

#### **What are the policy intentions?**

The Council recognises that the misuse of alcohol and/or drugs and/or other substances are medical and social problems. This policy clearly states the Council's position and management of alcohol, drug and other substance issues within the workplace and endeavors to ensure that advice and help are made available to any employee who feels they have a problem with alcohol and or drug misuse. Individuals are encouraged to voluntarily seek advice, help and assistance before their work performance is affected.

It is intended that the policy will enable the Council to effectively manage and mitigate against risks that may arise where those delivering Council services may be affected by the consumption of alcohol or alcoholic dependency, the inappropriate, illegal or excessive use of drugs or other substances (whether medically or non-

medically prescribed) and the effects of such use, possession and/or dependency.

## Key principles

The policy will assist managers with the early identification of alcohol, drug and other substance problems, assistance with the management of potential misuse problems, and provide procedural guidance as to whether they should be dealt with as a management of performance and capability matter or a conduct matter.

The Policy and Procedure aims to ensure that employees are aware of the standards of conduct expected in relation to substance misuse and work and the consequences of being in breach of those standards.

In application of the policy:

- All employees and workers will be treated consistently and fairly in accordance with the policy
- The rules on alcohol and drugs will be strictly enforced.
- Those who admit to having a problem with alcohol shall be offered support by the Council.
- Employees with an illness related to alcohol and/or drugs are encouraged to disclose this at the earliest opportunity to ensure support and help with treatment.
- All matters concerning alcohol and or drugs shall be treated as confidential

The policy aims therefore to:

- Promote greater awareness of how alcohol and drugs dependency can be prevented
- Meet the legal obligation of duty of care for employees and third parties on the Council's premises
- Comply with relevant legislation

Guidance from the ACAS Code of Practice (Health, Work and Wellbeing), as well as best practice and legislation has been taken into consideration with the formulation of the policy and procedure.

## Policy rules

The Council's policy is that during working hours and at times whilst on work premises employees, workers, consultants and contractors must be free from the influence of alcohol and drugs. This will help to ensure the health and safety of employees and others with whom they come into contact, to maintain the efficient and effective operations of the service, and to ensure customers receive the service they require.

For those reasons the following rules will be strictly enforced.

No employee, worker or contractor shall:

- Report or try to report to work when unfit\* due to alcohol or drugs (whether illegal or not) or to substance abuse;
- Be in the possession of or consume alcohol or illegal drugs (as defined by the Misuse of Drugs Act) in the workplace;
- Supply others with illegal drugs (as defined by the Misuse of Drugs Act) in the workplace;

\* Whether an employee, worker or contractor is fit for work is a matter for the reasonable opinion of management.

In addition, employees, workers, consultants or contractors must:

- Ensure they are aware of the side effects of any prescription drugs;
- Advise their line manager or Head of service immediately of any side effects of prescription or other legal drugs, which may affect work performance or the health and safety of themselves or others. It should be noted that legal drugs such as pain killers, analgesics and sleeping tablets can also have a impact on performance and sensory reactions.

Breach of these rules by employees may lead to disciplinary action, which could include dismissal. In the case of agency workers, consultants or contractors, services may be terminated immediately.

In addition, possession/use of or dealing in illegal drugs on Council premises will normally be reported to the Police.

### What is substance abuse?

Substance abuse can best be defined as the 'problematic use of alcohol, drugs and other substances' Problematic use covers three main areas:

- inappropriate use where taking substances may aggravate an existing condition or situation they were intended to alleviate

- habitual usage where an individual becomes so dependent on the effects of a drug (including alcohol) the desire for these effects becomes a central and overriding concern of daily life and has adverse occupational and social consequences
- excessive use which may lead to physical and psychological illness and could be fatal

## Education

The Council is committed to promoting healthy lifestyles to employees via the Health and Wellbeing programme. Alcohol and drug issues will be incorporated into the staff health programme and employees will be provided with information on the current health guidance in relation to safe and sensible drinking and the risks associated with using drugs.

This policy will be sent to all staff on launch and will therefore be held on the staff intranet website. New staff will be made aware of this policy at induction and will be sent copies with their contract of employment.

## Managers' responsibilities

Managers need to be aware of their responsibility to discourage drink-related unacceptable conduct by ensuring that excessive consumption of alcohol does not occur at Council arranged informal or formal events.

Behaviour at work parties and other social events linked to work should remain acceptable and care should be taken to prevent any negative impact on working relationships and the Council's reputation with outside contacts. Conduct, e.g. sexual harassment deemed unacceptable on the Council's premises or in work time is also not acceptable elsewhere including at social events and may be addressed under the Council's Disciplinary Policy and Procedure.

Monitoring of absence or accident rates is part of normal managerial responsibility. Managers should be aware that increases might be linked to a dependency problem.

If an employee's appearance or conduct deteriorates without any obvious reason, the manager should talk about the change with the person. If the reasons for the decline are still unclear following such discussion and alcohol or substance misuse is suspected, then at the request of a manager, Human Resources will make an appointment with the Council's Occupational Health Service for the employee. The manager should advise the employee of the reason for the referral. The role of the Occupational Health Service in this context would be to support the employee in a confidential manner and to give advice to the Council as to the management of the situation.

Admission of a drink or drug dependency problem may be difficult for an individual to make and such a disclosure should be treated as strictly confidential. However, if the manager believes that the law has been broken at work or that serious harm may result to the individual, or another person, advice on action to be taken should immediately be sought from Human Resources.

The manager should offer reasonable support, this includes treating absence for treatment and rehabilitation as normal sickness and recognising that relapses may occur.

If admission of a dependency is made but this is not linked to commitment to treatment then it should be made clear that if help is refused and there is under-performance or misconduct in the future, there is a risk that disciplinary or capability procedures may be invoked.

### Employees' responsibilities

It is the responsibility of employees (and workers, consultants and contractors) to ensure that their performance at work is not affected by alcohol consumption or substance misuse.

Employees working with machinery or driving in the course of their work should not consume alcohol in the course of the working day and should ensure that their performance is not impaired by alcohol consumed prior to starting work.

Employees are asked to co-operate with voluntary random testing, if asked to do so, to ensure and promote a safe working environment.

### Colleagues' responsibilities

An employee who suspects or is aware that a colleague, employed in a safety-critical job, is under the influence of alcohol or drugs **must** inform their manager and/or Human Resources. If the colleague is not in their Service area then HR must be informed. Concealment may not be in the best interest of either that colleague or others and could lead to a breach of the Health and Safety regulations.

An employee who suspects or is aware that a colleague, **not** employed in a safety-critical job, is under the influence of alcohol or drugs should consider informing their manager and/or Human Resources in order for appropriate action to be taken. This could include monitoring the situation, informal or formal discussions, referral to the Occupational Health Unit etc.

### Safety critical activities

The term safety critical is not directly defined in law. Nevertheless, in common usage it usually means an activity that, if it would go wrong, could put other peoples' lives and/or significant investments at risk. See **appendix 1** for list of safety critical roles.

## Role of Human Resources

The role of the Human Resources Unit is to provide policy and procedural advice, support and guidance to managers and staff and it is advisable to seek advice at an early stage. Human Resources will liaise with other parties such as Occupational Health. Information given will be treated in strictest confidence unless criminal acts have taken place or health and safety has, or is likely to be put seriously at risk. If it is judged that such information cannot remain in confidence then the person who disclosed the information will be advised that this is the case.

## Procedure

If a manager suspects that an employee reporting for duty, or on duty, is not fit for work (e.g.) adversely affected by drink or drugs to such an extent that it:

- (a) affects their work performance, or
- (b) would result in breaking the law, or
- (c) would put themselves, their work colleagues or the public at risk, or
- (d) would cause an adverse customer reaction

Then that manager, after discussion with the employee and HR, may take immediate appropriate action. This may include:

- (a) referring the employee for a compulsory alcohol/drug test. If the employee has a safety critical role the line manager **must, before allowing them to undertake safety-critical duties**, refer the employee for a compulsory alcohol/drug (urine) test to establish whether the employee would be exceeding the legal limit/be under the influence of drugs.
- (b) remove the employee from the workplace for a reasonable period.

A manager who has reasonable evidence to support the view that an employee for whom they have responsibility may have a substance misuse-related problem, which is affecting his/her work performance or attendance at work should arrange to discuss this with the person concerned. The purpose of this discussion is not for the manager to 'diagnose a substance misuse-related problem', but to raise with the employee concerns regarding his/her work performance.

If the employee does not wish the matter to be considered under the Council's Substance Misuse Policy it will be dealt with under the appropriate procedure, i.e. Disciplinary, Capability or Managing Attendance.

If the employee accepts that there may be aspects of his or her performances that are substance related the manager will offer assistance.

In the case of employees who are medically certified as having a substance misuse-related problem and who self-refer for a course of treatment to resolve this problem, the Council will consider holding in abeyance any action under the Council's

disciplinary, capability or managing attendance procedures, pending the outcome of the referral programme. Performance will continue to be monitored during this period. If as a result of the referral programme, the employee is within a reasonable timeframe able to sustain a return to working at an acceptable level of performance/attendance, this will be taken into account in determining the outcome of any disciplinary, capability or managing attendance pending actions. The period of sustained evidence of a successful outcome of the referral programme will normally be two years.

Employees who return to working at an acceptable standard but whose performance/attendance again deteriorates as a result of substance misuse related problems may, if appropriate, be given a further opportunity under the referral procedures. However, the opportunities to deal with problems created by substance misuses under the referral procedures will not be unlimited. If an employee appears incapable of dealing with the problem, the Council will take steps to terminate the employment on the grounds of capability, incapacity due to ill health and/or conduct.

## Help and support

There is no obligation on an individual with a dependency problem to inform their manager. However, staff are strongly advised to do so if the problem is affecting work performance or conduct.

The Council will endeavour to ensure that advice and help are made available to any employee who feels they have a problem with alcohol or drug misuse. Employees with a dependency are encouraged in the first instance to seek help from their General Practitioner or make contact with the Councils free Counselling Service providers or a specialist organisation (**appendix 2**) on an informal and confidential basis.

A referral can be made to the Authority's Occupational Health service to ensure that the Council receives appropriate advice on an employee's condition and implications for their work and performance. This will ensure that support may then be given at an early as possible stage of the dependency and help given to enable employees to attend therapy or follow a treatment schedule. The aim will be to maximise recovery with minimum disruption to work.

Any employee who seeks assistance from the authority in finding treatment for alcohol, drugs or substance misuse will have the Council's complete assurance of confidentiality.

## With-cause alcohol and drug (compulsory) testing

Employees will be tested for alcohol and drugs in all cases where he/she has had any involvement in a workplace accident or in any accident that has caused or could have caused a danger to health or safety. Compulsory testing will also be carried out where managers have grounds to believe or suspect that the employee in a safety-

critical role who has reported for work or during the course of their work is or may be under the influence of alcohol or drugs.

An employee, who unreasonably refuses to submit to a with cause alcohol and drug test will be subject to disciplinary action.

### Random alcohol and drug testing

Random, voluntary alcohol and drug testing will be carried out on members of staff who work in safety-critical jobs, including those (working with machinery/whose job duties involve driving/whose job involves responsibility for the care of others).

### Actions after a positive test

If a test proves positive, the matter will be taken forward under the Council's disciplinary policy & procedure. Following an investigation the employee will be invited to a formal meeting, with a senior manager. The employee will have the right to be accompanied by a colleague or trade union representative at this meeting.

The outcome of the meeting will depend on the circumstances but could include:

- an offer for the employee to undergo a programme of medical treatment, rehabilitation or counselling, where the employee accepts that s/he has a problem with alcohol or drug misuse and is willing to co-operate with the Council in the provision of such support;
- disciplinary action short of dismissal, in which case the employee will be tested regularly to ensure no repetition
- dismissal, where the effects of employee's alcohol or drug taking are or could be serious, for example if the employee works in a safety-critical job and his/her use of alcohol or drugs could affect performance, or where a previous alcohol and drug test within the previous (two years) has produced a positive result.

### Carrying out tests

Employees should note that a request for an employee to undergo voluntary alcohol and drug testing does not indicate that he/she is under suspicion of wrongdoing. This is strictly voluntary, and if an employee refuses to have the test, no action will be taken. However, if there are concerns about the behaviour or conduct of an individual, compulsory testing may be introduced.

Alcohol and drug testing will be carried out only by qualified and competent personnel from an external registered and certified organisation, who will use accepted and reliable methods and ensure that tests are carried out with the least possible intrusion into employees' privacy. Testing will be carried out in a suitable location with both private rooms and toilet facilities. All possible measures will be in place to ensure confidentiality of test results, and checks will take place to avoid any false results.

If a negative result is returned the sample will be destroyed within 7 days.

Test results will normally be sent to Human Resources within 24 - 48 hours. At this stage it will only indicate a negative or positive result, if the result, is positive further testing will be required to determine the type of drug and also the level of the alcohol/drug present, this will take up to 5 working days

Once the detailed analysis is complete and the results are made available to Human Resources, managers will then discuss the results with the employee and take appropriate actions.

## Complaints

If an employee wishes to raise a complaint about the way an alcohol and/or drug test has been conducted, they should raise their concerns in writing to their line manager. The complaint will be investigated in line with the Council's Grievance Policy and Procedure.

## Equality issues

In accordance with Bassetlaw District Council's equal opportunities and dignity at work policies, the authority will take steps to ensure this policy is not used in a discriminatory manner against any employees and that no individual is unfairly targeted. The Council will also take steps to ensure that employees' dignity is respected at all times.

The Council will ensure that testing (compulsory and voluntary) is a proportionate requirement and keep in mind the purpose which is to ensure workplace safety and safeguard service users and other people who come into contact with those delivering the Council's services.

## Legal Position

There is no specific regulation about substance abuse and the workplace. However, this issue is covered under general duty of care responsibilities as outlined below:

- The Health and Safety at Work Act 1974 imposes a duty of care on the Council as an employer to protect the health, safety and welfare of our employees and others who may be affected by our activities, as far as reasonably practicable.
- There is also a common-law duty of care to ensure that third parties, e.g. visitors or contractors, are not exposed to health and safety risks because of drug or alcohol-related neglect or misconduct.

- The Management of Health and Safety at Work Regulations 1999 requires the Council to carry out risks assessment to identify hazards in the workplace and put measures in place to minimise these risks. Knowingly allowing an employee under the influence of substance misuse to continue working could lead to prosecution against the Council, if their behaviour or negligence puts them or others at risk. Individual contracts of employment, by implication, oblige the Council to take reasonable care of employees' health and safety.
- The Equality Act 2010 specifically states that addiction to or dependency on alcohol or any other substance (unless resulting from the substance being medically prescribed) does not count as impairment under the Act, although a disability caused by such a dependency could be recognised.
- The Misuse of Drugs Act 1971 makes it clear that allowing the production, supply or intake of drugs on work premises is a criminal offence. Offences should be reported to the police, failure to do so could mean that the Council is liable to prosecution.

Under this act drugs are classified according to their perceived danger:

- Class A drugs include – ecstasy, cocaine, heroin, LSD, mescaline, methadone, morphine, opium and injectable forms of class B drugs.
- Class B drugs include – cannabis, cannabis resin, oral preparations of amphetamines, barbiturates, codeine and methaqualone (Mandrax)
- Class C drugs include – cannabis, cannabis resin, most benzodiazepine (for example, Temazepam, valium), other less harmful drugs of the amphetamine group, and anabolic steroids.
- The Road Traffic Act 1988 specifically states that any person who, when driving or attempting to drive a motor vehicle on a road or other public place, is unfit to drive through drink or drugs shall be guilty of an offence.
- The Human Rights Act 1998, article 8 of the European Conventions on Human Rights, provide employees with the right to privacy. However this right may be legitimately restricted in certain circumstances, such as Safety at work.
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- Grounds Maintenance staff including seasonal staff
- Vehicle Maintenance staff and supervisors
- Mechanical Street Sweepers
- Refuse and Street cleaning supervisors
- Refuse Drivers
- Refuse Loaders (as they are also asked to drive when needed - they get paid extra for doing this)
- Caretakers who drive the van
- Skip Driver
- Street Cleaning Operative/drivers
- Environment managers/supervisors (Carlton Forest)
- Market staff

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DETAILS OF LOCAL SUPPORT SERVICES

Lincolnshire

**Addiction**  
9-13 Monks Road  
Lincoln  
LN2 5HL

Telephone: 01522 511 993  
email: [Lincoln@addaction.org.uk](mailto:Lincoln@addaction.org.uk)

**Lincoln Clinic**  
Lincolnshire Healthcare Trust  
Elm House  
9-13 Monks Road  
Lincoln  
LN2 5HL

Telephone: 01522 514 625  
Fax: 01522 528 514

Nottinghamshire

**North Notts Community Drug Service**  
The Maltings,  
Dame Flogan Street  
Mansfield

Telephone: 01623 620 121  
Fax: 01623 660 612

**Hetty's - Support for parents, carers and families** Telephone: 01623 658 492  
Unit B Pine House  
Ransom Hall Business Park  
Rainworth  
Notts

**W.A.M (What About Me)**  
Unit B Pine House  
Ransom Hall Business Park  
Rainworth  
Notts

Telephone: 07970 724 165

**Sorted**  
Notts County DATT,  
Ransom Hall  
Rainworth  
Notts

Telephone: 01623 414 114 x 4558  
Fax: 01623 414 117

NG21 0ER

**Bassetlaw Alcohol Team**

83 Watson Road  
Worksop  
S80 2BL

Telephone: 01909 530 446

Fax: 01909 531 403

**Macedon**

**NHHA Tenancy Sustainment Scheme**

11A Barnby Gate  
Newark  
Notts  
NG24 1PX

Telephone: 01636 650 661

Fax: 01636 650 667

e.mail: [newark@macedon3.fsbusiness.co.uk](mailto:newark@macedon3.fsbusiness.co.uk)

Derbyshire

**Addaction**

Becket Street  
Derby  
DE1 1HT

Telephone: 01332 370 400

Fax: 01332 374 701

e.mail: [derby.prj@derby.addaction.org](mailto:derby.prj@derby.addaction.org)

**Addaction – Ripley (Satellite Base)**

7 Church Street  
Ripley  
Derbyshire  
DE5 3BU

Telephone: 01773 744 594

**Addaction – Swadlincote (Satellite Base)**

31 West Street  
Swadlincote  
DE11 9DN

Telephone: 01283 551 483

**Aids Resource Team**

3 Staff House  
Long House  
Long Close  
Ripley  
Derbyshire  
DE5 3HY

Telephone: 01773 728 170

**North Derbyshire Alcohol Advice Service**

73 West Bars  
Chesterfield  
Derbyshire  
S40 1BA

Telephone: 01246 206 514

Fax: 01246 274 507

e.mail: [nderbysalcoholadvice@ukonline.co.uk](mailto:nderbysalcoholadvice@ukonline.co.uk)

**North Derbyshire Community Drug Team**

Telephone: 01246 277 388

73 West Bars  
Chesterfield  
S40 1BA

Fax: 01246 274 507

**North Derbyshire Young Peoples Substance  
Misuse Service**

Telephone: 07775 940 412

Marsden Street Clinic  
Marsden Street  
Chesterfield  
S40 1JY

Fax: 01246 237 837

**Royal Hospital Alcohol Service**

Telephone: 01246 277 271

Hartington Wing  
Royal C & ND Hospital  
Calow  
Chesterfield  
S44 5BL

Fax: 01246 552 612

**SPODA (Supporting Parents of Drug Abusers)** Telephone: 01246 224 832

6 Rosehill  
Chesterfield  
S40 1LW

Fax: 01246 224 835

e.mail: [spoda@btinternet.com](mailto:spoda@btinternet.com)

**Youth Advice & Information One-Stop Shops**

Telephone: 01298 79643

11a Market Street  
Buxton  
Derbyshire  
SK17 7PE

**Unit 10**

Telephone: 01246 263 080

2-4 Corporation Street  
Chesterfield  
Derbyshire  
S41 7TP

**Youth Information Shop**

Telephone: 01283 217 666

14 West Street  
Swadlincote  
Derbyshire  
DE11 3DG

**Young People's Advice & Information Shop** Telephone: 01246 819 387

41a Mill Street  
Clowne  
Derbyshire  
S43 4JN

**Youth Information & Advice Shop**

Matlock Careers Centre  
Crown Square  
Matlock  
Derbyshire  
DE4 3AT

Telephone: 01629 760 403

South Yorkshire

**The Rockingham Drug Project**

Telephone: 0114 258 0033  
E.mail: [project.rdp@dial.pipex.com](mailto:project.rdp@dial.pipex.com)

**Sheffield Alcohol Advisory Service**

Telephone: 0114 258 7553  
E.mail: [SAAS@saasmail.freemail.co.uk](mailto:SAAS@saasmail.freemail.co.uk)

**Sheffield Drug Action Team**

Telephone: 0114 226 3081  
E.mail: [Nicola.bartle@sheffield-ha.nhs.uk](mailto:Nicola.bartle@sheffield-ha.nhs.uk)

**Advice/Support is also available from:-**

**Human Resources Unit**

Bassetlaw District Council  
Cophall House  
Potter Street  
Worksop  
Nottinghamshire  
S80 2AH

Telephone: 01909 534136  
Fax: 01909 533451  
E.mail: [HumanResources@bassetlaw.gov.uk](mailto:HumanResources@bassetlaw.gov.uk)

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