
Local Code of Practice

Drugs and Alcohol at Work

Section 30

(Version 3.00 – March 2019)

STATEMENT:

In order to comply with legislation and fulfil statutory responsibility, the Council must make sure that:

- The workplace is a drug and alcohol free area
- Any concerns over misuse are to be reported to a manager
- Procedures to assist employees with misuse problems are in place
- Managers and employees are aware of this guidance and follow the codes of practice

Note; Smoking at work is covered by a separate local code of practice and will not be addressed within this document

SCOPE:

This Local Code of Practice (LCoP) applies to:

- All managers including head teachers referred to as managers herein in LBB maintained schools.
- All employees of Barnet Borough Council.
- All contractors, agency staff, volunteers and temporary workers working on behalf of the Council
- All visitors to council premises (members of public, pupils etc.)

Issue Control

This Local Code of Practice is issued and managed by the Safety, Health and Wellbeing team.

Issue		Revision		
Number	Date	Number	Date	Amendments
Version 1.00	2007			
Version 2.00	2015			New version
Version 3.00	March 2019			Review and update
Review Schedule				
Review Conducted		Next Review Date		

This LCoP should be read in conjunction with the London Borough of Barnet (LBB) Policies listed below in relation to LBB employees.

- Part C – Section 1 – Management of Health and Safety
- Part C – Section 9 – Violence at Work
- Part C – Section 29 – Smoking at Work
- Part C – Section 30 – Drugs and Alcohol

These can be found by clicking on this link <https://wwc.barnet.gov.uk/wwc/working-children-barnet/information-schools/health-and-safety-schools/health-and-safety>

Note, these policies are for the exclusive user of London Borough of Barnet employees only

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Responsibilities

Head of Service / Head Teachers are responsible for ensuring:

- 1.1. All managers and employees are aware of the guidelines set out in this Local Code of Practice (LCoP)
- 1.2. There are procedures in place for identifying and reporting alcohol and drug abuse.
- 1.3. Those who are identified as misusers of alcohol and/or drugs are treated fairly and are offered help.

Managers are responsible for ensuring compliance with the LCOP and must:

- 1.4. Activities under their control are carried out without breach of this policy. In particular, managers must consider the following points:
 - Identifying safety-critical roles within their service, and if necessary
 - implementing appropriate random testing for staff in these roles; and
 - The Identification of employees undertaking safety critical tasks may be carried out by any manager with sufficient knowledge of such matters,
 - however the primary responsibility of this determination remains that of the relevant Service Director or Head of Service.
- 1.5. Safety-critical tasks requiring complete attention from the employee are performed safely. Tasks that involve driving a council vehicle, operating dangerous machinery, and driving council service users in any vehicle, are all safety-critical.
- 1.6. Employees engaged in safety critical work who ask for help in dealing with a drug or alcohol problem will be supported, and other non safety-critical work found if possible.
- 1.7. If in the absence of such disclosure, random testing reveals that such an employee is under the influence of a substance likely to compromise safety, appropriate disciplinary action is taken.
- 1.8. Managers inform employees of the rules, by normal communication methods. Employees performing safety-critical tasks are advised of the importance of controlling drug and alcohol use for their own safety. Managers must inform such employees in writing.

Employees:

- 1.9. Will be informed of the importance and health benefits of controlling drug and alcohol use, and the existence of this policy by existing communication methods
- 1.10. Will have full access to drug and alcohol support and assistance through the council's Occupational Health Service
- 1.11. Failure to comply with D&A policy may be dealt with as misconduct, and could result in suspension or dismissal.
- 1.12. In addition to above, employees in a safety critical role will also:
 - be identified by Line Managers following risk assessment,
 - be informed in writing of their safety critical status,
 - may be subject to random drug and alcohol testing

Arrangements

2.1 Support for staff experiencing drug or alcohol misuse

2.1.1 Signs of misuse may include but are not limited to irritability, abnormal fluctuations in mood and energy, poor time keeping, increases in short term sickness absences and deterioration. It is important to consider however that these characteristics may also be caused by other factors in or outside of work, or by some medical conditions, such as stress, mental health or by personal problems.

2.1.2 Managers must be extremely careful in gathering evidence before approaching a member of staff. Evidence of actual events, ideally supported by other evidence, must be collected and prepared for presentation to the employee. It is essential that managers with such concerns discuss the issue with HR.

2.1.3 The manager must not make vague accusations or moral judgements. The aim of any discussion is to try to find out causes and to explore and identify possible remedies.

2.1.4 Where an employee with a drug or alcohol problem requests help, we will aim to support them in dealing with the issue. Managers must first consider whether the problem may cause an immediate risk to health and/or safety (if the employee is in a designated safety critical role), and take any immediate action as necessary. After that, the employee should be referred to the Occupational Health Service for assessment and advice. The council's Drug and Alcohol Team can also provide advice about treatment methods available. Reasonable time off will be allowed for on-going treatment if necessary.

2.1.5 Any employee who feels that they are having a problem with drug or alcohol use should seek help through their line manager, the occupational health service or the counselling service. This will be dealt with in strict confidence.

2.1.6 The manager must keep in regular contact with the employee to check on their progress in accordance with the agreed policy and procedure.

2.1.7 Any persons found to be in possession of prescribed drugs or dealing in the same will be dealt with under disciplinary arrangements, and may be reported to the police.

2.2 Testing for Alcohol and Drugs

2.2.1 It is inappropriate for any testing for drugs or alcohol to be carried out unless the employee has been identified as being in a safety critical role, as described above.

2.2.2 Due to its detrimental effect to carrying out safety-critical tasks, alcohol will be the only substance tested for randomly.

2.2.3 It is the responsibility of the manager to meet with the employee to express concern at the observed behaviour and to offer help and support as necessary. Any testing for these employees will be carried out either just before, or during the performance of their job.

2.2.4 Testing for drugs other than alcohol will only be carried out if all the following conditions apply:

- There is reason to believe that an employee is using a controlled drug, or other substance in a way that creates a safety risk, preferably supported
- by evidence,
- That employee has been identified as being in a safety critical role and
- has been advised of this in writing,
- The drug in question is likely to compromise health and/or safety.

2.2.5 Any testing will be carried out by a designated manager in the affected/ relevant services. Records will be kept of all testing, whether for alcohol or other drugs.

2.2.6 The employee may have a colleague or trade union representative present to witness the test

2.3 DEALING WITH DANGEROUS SITUATIONS

2.3.1 For the purpose of this policy, a dangerous situation is one in which an employee or contractor is believed to be carrying out, or about to carry out, a safetycritical task while under the influence of alcohol or any other substance that could impair their ability to work safely.

2.3.2 Managers must take immediate appropriate steps to reduce or remove the risk of injury if a dangerous situation applies. This may involve:

- Stopping or suspending an activity and finding another person to do it safely.
- Moving a person suspected of being under the influence of drugs or alcohol either to a less critical job.
- Or sending them home to recover.

2.3.3 It is essential that managers record dangerous situations and actions taken as soon as possible.

2.3.4 Although record keeping of any actions taken to deal with immediate risks is essential, this immediate action should **not** be used in isolation as a reason for disciplinary or other action against an employee; disciplinary action requires a greater degree of evidence and record keeping. This action is intended only to deal with immediate risk of injury.

2.4 CONTRACTORS, AGENCIES AND TEMPORARY WORKERS

2.4.1 We expect providers of agency and temporary workers, and contractors providing services to the council, to have similar arrangements to ensure that their employees are not performing safety-critical tasks on behalf of the council under the influence of any drugs covered in this policy. This will be considered during contractor selection and during contract monitoring.

2.4.2 Any cases of suspected inappropriate drug or alcohol use should be communicated to the contractor, agency or worker immediately, and assurance requested that the issue will be properly dealt with.

2.5 PROTOCOL FOR DEALING WITH ACTUAL OR ALLEGED POSSESSION OR DEALING IN CONTROLLED SUBSTANCES AT WORK.

2.5.1 In taking action under any part of this arrangement, it is essential to remember that the purpose of this arrangement is purely to protect the health and safety of employees and other people who might be affected by the council's work. The purpose of this document is not to establish guilt or blame.

2.5.2 Any suspicions of substance misuse, should be discussed in the first instance with senior colleagues and with the employee(s) concerned. No assumptions should be made or action taken on the basis of observation alone - the 'signs and indicators' of substance misuse are very often similar to or identical with many other possible causes. There are no absolute signs or indicators of substance misuse other than witnessing ingestion of substances by an individual or being informed by that person of their action.

2.5.3 Handling paraphernalia

If drug taking paraphernalia (i.e. syringes) is found, it is advisable to:

- Investigate with any employees involved;
- Increase observation of the area in which it was found;
- Advice on the handling of sharps (including syringes) can be found in the Corporate Health, Safety and Welfare policy section 17 – Infection Control

2.5.4 Handling illegal substances

If drugs or suspect substances are found, it may be necessary to take possession of them, at least temporarily. The following procedures should be followed for this. It is advisable for any person using this procedure to have another employee with them as a witness.

- Record details of the find (who, what, where and when);
- Place the materials in a sealed plastic bag, or other suitable container,
- and keep it in a secure place, where it is unlikely to be accidentally found.
- **Do not** flush it down the toilet, burn it or throw it in a bin as this may
- contravene Environmental law and the Misuse of Drugs Regulations 1985.
- It can also be hard to prove that it has been securely disposed of;
- At the earliest opportunity, contact Barnet Borough Police, informing
- them of the situation, and that you are in possession of a substance
- suspected to be a controlled drug (the defence in law is that possession
- has been taken in order to prevent a person from committing a criminal
- offence);
- There is no legal obligation to inform the police of the identity of the
- employee, although this should be seriously considered if the drug is class
- 'A' or if the employee is believed to be involved in supply;
- **Do not** taste the substance in order to ascertain its identity.

3.0 Main Legislation relevant to this document

3.1 Health and Safety at Work etc Act 1974

3.2 Management of Health

4.3 Misuse of Drugs Act 1971

4.0 Further Guidance

<http://www.hse.gov.uk/alcoholdrugs/>

<https://www.nhs.uk/live-well/healthy-body/drug-addiction-getting-help/>