

Freedom of Information – Response – 27484

Freedom of Information Request — Workplace Drug and Alcohol Testing Policies

I am writing to make a request under the Freedom of Information Act

2000 for information held by Suffolk Fire and Rescue Service.

I would like to request the following information concerning your service's workplace drug and alcohol testing arrangements for its own employees and contractors:

1. Does Suffolk Fire and Rescue Service conduct drug and/or alcohol testing on its own employees or contractors — whether as part of pre-employment screening, random testing, for-cause testing, or post-incident testing?

No

2. If yes, what testing method(s) are used (e.g. urine immunoassay, oral fluid screening, hair analysis, blood testing, breathalyser)?

N/A

3. What cut-off threshold(s) and confirmation standard(s) are applied?

Please specify the screening and confirmatory cut-offs for THC/cannabis metabolites in particular, and the analytical standard followed (e.g. EWDTS, SAMHSA/US-DOT, manufacturer default).

N/A

4. What safeguards are in place for employees who may test positive

due to: (a) Use of lawful, commercially available CBD products

(which may contain trace THC below the 0.2% legal limit);

(b) Prescribed medication (e.g. Sativex, Epidiolex, or other cannabinoid-based medicines);

(c) Passive or environmental exposure?

Specifically, does the process include review by an independent Medical Review Officer (MRO) or equivalent qualified professional before any disciplinary action is taken?

N/A

5. How many employees have been subject to disciplinary action or dismissal based wholly or partly on a positive drug test result in the last three years? Of those, how many involved cannabis/THC as the substance detected?

Nil reply

6. Has Suffolk Fire and Rescue Service received any formal grievances, complaints, or employment tribunal claims relating to its drug testing procedures or outcomes in the last three years? If so, how many, and what was the general nature of the complaint?

Nil reply

7. Please provide a copy of your current drug and alcohol testing policy (or the relevant sections of your wider HR/disciplinary policy that govern drug and alcohol testing), together with any associated guidance issued to managers or employees.

Suffolk County Council's HR team do not have a drug and alcohol testing policy but we do have the attached 'Alcohol and Substance Misuse Policy' with some sections being relevant to Q7.



Alcohol & Substance Misuse Policy

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We will on request produce this document, or particular parts of it, in other languages and formats, in order that everyone can use and comment upon its content.

Table of contents

If viewed online, each section is now hyperlinked to enable you to go directly to each section from the contents page.

Table of Contents	Page No
1. Introduction	3
2. Aims of the Policy	3
3. The Policy	3
4. Roles & Responsibilities	4
5. Health Education.....	4
6. Off-Duty Conduct	4
7. Unacceptable behaviour.....	4
8. Employee Responsibilities.....	4
9. Guidance to Managers.....	5
9.1 Identifying the Problem	5
9.2 Dealing with Incidents of Alcohol/Substance Misuse	6
10. Useful Links.....	8

1. Introduction

Alcohol consumption and drug taking can affect behaviour, performance and relationships, both within work and outside. It is recognised that such issues are very sensitive, and individuals may face difficulty in coping with this aspect of their lives. The County Council has therefore approved this alcohol & substance misuse policy for all its employees, produced to advise you of the contents of the policy and your responsibilities.

2. Aims of the Policy

This policy aims to offer appropriate support and guidance where possible, resorting to sanctions only where necessary alongside the Council's concern to provide a safe & healthy working environment.

The specific aims are to:

- Promote the health, safety & wellbeing of employees and to minimize problems at work arising from alcohol and/or substance abuse.
- Make known to employees the harmful effects of excessive consumption of alcohol or the use of drugs.
- Encourage safe & sensible drinking habits.
- Identify employees with possible problems arising from alcohol consumption/substance misuse at an early stage.
- Offer guidance and actively encourage employees with possible problems to seek appropriate help.
- Offer employees known to have alcohol/substance misuse problems affecting their work referral to an appropriate agency for assistance.

3. The Policy

- 3.1** All employees are required to present themselves for work, free of any undue influence of alcohol and/or substance misuse.
- 3.2** It is important to note that the Council does not have an absolute ban on alcohol. There is therefore considerable responsibility on employees to behave with discretion and judgement as to what may be reasonable behaviour with regard to alcohol consumption. Employees should bear in mind that drinking even small amounts of alcohol or misusing drugs before, or while carrying out work that is 'safety sensitive' will increase the risk of an accident.
- 3.3** Government guidance on sensible drinking lists the following as examples of specific situations when the best advice is not to drink at all:
- Before or during driving.
 - Before using machinery, electrical equipment or ladders.
 - Before working in the workplace when appropriate functioning would be adversely affected by alcohol.
- 3.4** For the purpose of this policy, alcohol and substance misuse are defined as follows:
- **Alcohol Misuse** is defined as a level of drinking which either persistently affects an employee's work or affects it on a "one off" or occasional basis.

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- **Substance Misuse** refers to the use of illegal drugs and the misuse, whether deliberate or unintentional, of prescribed drugs, and substances such as solvents.

3.5 Although the Council will seek to deal with such issues in a supportive way, without recourse to disciplinary action, there may be circumstances where this is not possible or appropriate. If any disciplinary action in relation to this policy is necessary, this will be dealt with under the Council's procedures relating to disciplinary matters.

4. Roles & Responsibilities

- 4.1** Managers will seek advice from senior managers and HR dealing with cases of Alcohol & Substance Misuse. At this stage, specialist advice may be sought from the occupational health provider or other support services.
- 4.2** Individual employees have a responsibility under the Health & Safety at Work Act to seek to ensure the success of the policy and are encouraged to do so.

5. Health Education

- 5.1** In order to adopt a positive stance on the problems of alcohol/substance misuse, special consideration will be given to this issue within the Council's health, safety and welfare promotions and within the overall health and safety at work policies.

6. Off-Duty Conduct

- 6.1** It is recognised that employees' off duty hours are their own concern. However, whilst this is the case their conduct at all times must not in any way bring the Council into disrepute.
- 6.2** It is also worth highlighting that an individual may be off duty when taking drugs/alcohol but still be affected by them when they are back on duty.
- 6.3** An employee attending a formal work social event may be off duty but any consideration of an incident in these circumstances needs to bear in mind that the event has been organised under the auspices of the Council, and as such are still representatives of the Council.

7. Unacceptable behaviour

- 7.1** This policy does not apply to employees who, following excessive drinking and/or substance misuse behave in an unacceptable manner contrary to standards of safety & conduct required by the Council. Such cases will be dealt with in accordance with the normal disciplinary procedures.

8. Employee Responsibilities

All employees are required to present themselves for work, free of any undue influence of alcohol and/or substance misuse (See Section 3.1).

Employees therefore have responsibilities in relation to this: -

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- 8.1** If you have a problem, talk to your manager or HR and/or seek assistance from the employee assistance programme, Lifestylesupport, your GP, your trade union representative, a friend at work, or other counselling services.
Getting help as soon as possible reduces the risk of harm to your health and to your career.
- 8.2** Remember that if you are charged with any criminal activity, including drug or alcohol related, you must tell your line manager.
- 8.3** If you have any doubt about your fitness to carry out any of your work, including operating machinery, driving or meeting clients/members of the public, you must tell your line manager.
- 8.4** If you have any doubt about whether it is advisable for you to have a drink in particular circumstances, you should ask your manager for guidance first.
- 8.5** Before you have a drink the night before work, think about getting to work and doing your job the next day.
- 8.6** You should be aware that although the Council will in most cases be supportive, there will be situations when particular issues may have disciplinary and criminal implications, such as:
- Certain misuse or conduct related to alcohol and substance misuse may amount to criminal conduct, such as:
 - Possessing or supplying controlled drugs. In these circumstances, disciplinary action will be taken, and consideration given as to whether the Police need to be informed.
 - Driving a vehicle while over the legal limit or under the influence of drugs prescribed or otherwise, either at work or in the course of work, will be treated as a disciplinary matter, notwithstanding any support which may be provided.
 - A breach of Section 7 of the Health & Safety at Work Act 1974 which requires all employees to take care their own and others' safety whilst at work. This is especially important if operating plant, equipment or machinery or carrying out specific safety duties.
 - Whilst the Council will not randomly test employees it reserves the right, where there is evidence to suggest alcohol and/or substance misuse, to require an employee to have a medical examination which may include blood or urine test where the health and safety of the employee, co-workers or the general public is considered at risk.

9. Guidance to Managers

9.1 Identifying the Problem

9.1.1 Alcohol/substance misuse can result in problematic behaviour which affects work performance, including the ability to work safely. Some examples are illustrated below; these can also act as signs or symptoms of a problem:

- Patterns of absence – frequency/timing/'improbable' reasons.
- Poor timekeeping.
- Erratic/unacceptable behaviour.
- Deterioration in work performance.
- Mood swings.
- Unkempt appearance/other changes in physical appearance.
- Accident/injury.
- Deterioration of working relations.

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- 9.1.2** Obviously these are only some of the signs of a potential problem; cases will vary significantly. Similarly, these and other symptoms may occur but be wholly unconnected with alcohol or substance misuse.
- 9.1.3** It is a function and role of line management to be alert to possible changes in their employees, in terms of attendance at work; performance; changes in personality and behaviour. One reliable source of further information on these issues is the Health and Safety Executive website, where you will find leaflets and information on both alcohol and drug misuse at work (<http://www.hse.gov.uk/pubns/hazards.html>).
- 9.1.4** As a line manager you should also be aware that under the Health & Safety at Work Act 1974, if you knowingly allow an employee under the influence of excess alcohol or drugs to continue working and this places the employee or others at risk, you could be prosecuted.
- 9.1.5** Identifying potential problems 'earlier' rather than 'later' increases the chances of successfully resolving the matter, with less harm to an employee's health and career. Wherever possible managers should encourage employees to acknowledge the situation/confide in their manager at the earliest opportunity.

9.2 Dealing with Incidents of Alcohol/Substance Misuse

- 9.2.1** Advice must be sought from HR at the earliest opportunity. Each case will need to be judged on an individual basis, depending on the circumstances, including the balance between discipline and support. Where disciplinary action is appropriate this will be under the Council's existing procedures for dealing with conduct and capability issues.
- 9.2.2** As soon as a line manager is of the opinion that an employee is under the influence of alcohol or drugs that might be affecting their performance, or whose behaviour may be the result of their misuse, (s)he should carefully monitor the situation and keep, confidential records of work performance, attendance times etc, and all signs and symptoms of misuse. Obviously there may be occasions when monitoring over a period of time is not appropriate and more immediate action is necessary, such as not allowing the employee to continue working, in particular, where there is a risk to the employee or to other people who might be affected by the actions of that employee.
- 9.2.3** The incident could be an isolated one, or a pattern/routine which may indicate an addiction.
- 9.2.4** As early as possible the line manager (or other manager as applicable) should discuss the matter with the employee in private, with another appropriate manager present as a witness. Full notes of the meeting must be taken as it is imperative to ensure that, in each & every case, an audit trail is kept. At formal meetings, the employee has a right to be accompanied/represented by a Trade Union representative or work colleague and must be notified as such beforehand, at the earliest opportunity (see appropriate disciplinary and capability procedures).
- 9.2.5** If the employee is "under undue influence" of alcohol and/or substance use they should be instructed to leave the workplace until they are in a fit state to properly discuss the situation. Care should be taken to ensure that the individual does not drive and s(he) may need to be "escorted" by an appropriate manager.
- 9.2.6** In some cases it will be necessary to refer the matter to the Council's Occupational Health Service for advice. If so, this should be done as soon as possible. However, viewing the matter as a health problem does not necessarily preclude disciplinary or other managerial

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action and the matter may need to be considered in the context of the Disciplinary, Capability and/or Grievance Procedures, and the “Code of Conduct”.

- 9.2.7** If an occupational health referral is made, it is possible that a decision about disciplinary proceedings may be deferred until the medical report has been received and considered, but this will not always be the case.
- 9.2.8** It should be noted that most addictions are specifically exempted under the Equality Act: that is, they do not constitute a disability, and therefore there is no protection from discrimination on the grounds of the addiction. This applies to addictions to alcohol, nicotine and all other substances, with the exception of addictions as a result of a medical intervention, for example to prescribed drugs. Managers should bear in mind that, despite this, there may be conditions either underlying or resulting from the addiction, such as mental health conditions, liver conditions, etc, which will constitute a disability. Managers should take advice in order to ensure all necessary adjustments are made to support any protected condition.
- 9.2.9** Apart from considering the details of the situation, factors that need to be taken into account when considering the above-mentioned procedures include:
- Whether the employee is in charge of machinery, vehicles etc.
 - If the employee is responsible for clients, school pupils, persons in care or has direct contact with members of the public.
 - The impact on work performance, colleagues, use of Council resources including computer equipment.
 - Whether the individual confides to a manager / acknowledges that (s)he has a problem and needs help, which the Council would view as positive steps. Seeking help at an early stage may avoid the need for management to take disciplinary or related action. (However, note point 2.13 below about denial).
- 9.2.10** These are only some examples as a particular situation will have many factors to consider for further advice, please refer to HR at the earliest opportunity.
- 9.2.11** The individual may well need support and counselling depending on the circumstances. A counselling service is available and offers an independent confidential support and counselling service. The Council may provide the individual with other appropriate support, which may, for example include time off for specialist or other treatment and/or specialist counselling. In appropriate cases of specialist treatment, all parties would be expected to sign a “3-way contract” – employer, employee and counselling service – to ensure that the treatment programme is operating as agreed.
- 9.2.12** Absence for treatment/rehabilitation will normally be in accordance with the Council’s Sickness Absence Policy, but there may be occasions when this is not clear – for further advice, please refer to HR.
- 9.2.13** For further advice and support an individual may wish to access the Trade Union if they are a member.
- 9.2.14** There may be cases where the employee denies the existence of a problem and/or refuses medical referral. It should be noted that denial is often the norm and persuading the employee to move on from this can be extremely difficult. Sensitive efforts should be made to persuade and counsel the employee that they would seem to have a genuine problem, which unless treated, is likely to get worse.

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- 9.2.15** If the employee still refuses to accept the existence of a problem, this in itself will not lead to disciplinary action, but obviously this may have repercussions regarding how the problem is dealt with in terms of the disciplinary or unsatisfactory work performance procedures; again a medical or specialist assessment report should be obtained. It is a condition of service that an employee shall, if required by the Council at any time, submit to an examination by a medical practitioner or specialist counselling service.
- 9.2.16** In the event of relapse after treatment, each case will be considered on its merits, taking into account medical or specialist opinion. The opportunity for further treatment may be given but this cannot be guaranteed.
- 9.2.17** Ultimately, on the grounds of misconduct, or on the grounds of capability if the employee's health is so impaired that s(he) is unable to achieve a satisfactory standard of work performance, there may be no alternative other than dismissal.
- 9.2.18** It may be necessary to consider urgently whether the employee has committed a criminal offence; appropriate advice in these instances is available from HR.

10. Useful Links

Contact [Human Resources](#) and someone will get back to you.

[Lifestylesupport](#) – free confidential and anonymous service for those concerned about alcohol or substance misuse; Telephone: 0800 116 4368 or further information is available on askHR, including a link to the Lifestylesupport website.

National Drugs Helpline 0800 77 66 00

National Alcohol Helpline 0345 320 202

Iceni – Independent drug and alcohol service 01473 214006 / <http://www.iceniipswich.org>

Turning Point (Suffolk Recovery Network) - advice, support and treatment for those affected by alcohol and drugs - <http://www.turning-point.co.uk> / 01473 220240

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Document Control

Changes History

Version	Date	Amended By	Details of Change
V2.0	November 2012	Health and Safety	
V2.1	June 2014	Emma Gregory	Removed CSD branding and transferred to new template.
V2.2	February 2015	Emma Gregory	Replaced COLIN links.
V2.3	March 2015	Emma Gregory	Changed HM Assist to Lifestylesupport.
V2.4	March 2020	Sandra Lopes/Jem Cranfield	Added legislation changes, amended Useful Links section

Approval

Name	Job Title	Signed	Date

Equality Impact Assessment

Date	Name	Details

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