

RIBBLE VALLEY BOROUGH COUNCIL REPORT TO PERSONNEL COMMITTEE

Agenda Item No.

meeting date: WEDNESDAY, 23 OCTOBER 2013
 title: DRUG AND ALCOHOL POLICY
 submitted by: HEAD OF HR
 principal author: MICHELLE SMITH

1. PURPOSE

1.1 To ask Members to approve a Drug and Alcohol Policy for the Council.

1.2 Relevance to the Council's ambitions:

- Community Objectives - }
 - Corporate Priorities - }
- In order to meet our objective of being a well managed Council, it is important that we have appropriate policies and procedures in place to ensure that staff are fit to carry out their duties and responsibilities at all times.
- Other considerations - None.

2. BACKGROUND

2.1 There is a legal duty under the Health and Safety at Work Act 1974 to ensure as far as is reasonably practicable, the health, safety and welfare at work of employees. Employers also have a duty under the Management of Health and Safety at Work Regulations 1999, to assess the risks to the health and safety of employees. If an employer knowingly allows an employee under the influence of alcohol or drug misuse to continue working and his or her behaviour places the employee or others at risk, the employer could be prosecuted.

2.2 There is also a range of legislation that is also relevant to substance misuse both within and outside the workplace eg The Transport and Works Act 1992, The Road Traffic Act 1988 and the Misuse of Drugs Act 1971.

2.3 The Disability Discrimination Act 1995 (DDA) defines a disabled person as someone who has ' a physical or mental impairment which has a substantial and long-term adverse effect on his/her ability to carry out normal day to day activities'. Under the Disability Discrimination (Meaning of Disability) Regulations 1996, addiction to or dependency on alcohol or any other substance is specifically excluded from the scope of the Act unless the addiction is the result of a medically prescribed drug or other medical treatment. However, people with impairments as a result of the addiction, eg, liver damage as a result of excessive drinking, are covered under the DDA.

3 ISSUES

3.1 The Council does not currently have a policy or guidance directly relating to alcohol, drug or substance misuse. Fortunately, we do not have any history of problems in this area but it is still important for us to have a policy on how matters should be dealt with if an issue arises in the future.

- 3.2 There are also some areas of our work where any such misuse would be unacceptable and could put employees, the council or the public at risk. The Drug and Alcohol Policy attached at Appendix 1, seeks to outline our approach to alcohol, drug or substance misuse and give clear guidelines for staff.
- 3.3 It is also very likely that the Health and Safety Executive (HSE) would expect to see some form of policy if they carried out an on-site inspection, particularly in high risk areas e.g Depot. As we anticipate such a visit this year it is timely to adopt a Drug and Alcohol Policy.
- 3.4 The policy adopts a supportive and corrective approach rather than a punitive one, but also makes very clear the potential for disciplinary action up to and including dismissal where appropriate.
- 3.5 UNISON have been consulted on the policy and support it. In addition it has been reviewed and accepted by the Council's Health and Safety Advisor. The policy has also been considered by CMT who recommend it for your approval.

4. RISK ASSESSMENT

4.1 The approval of this report may have the following implications:

- Resources: no implications identified.
- Technical, Environmental and Legal: duty under the Health and Safety at Work Act 1974 to ensure as far as is reasonably practicable, the health, safety and welfare at work of employees. Employers also have a duty under the anagement of Health and Safety at Work Regulations 1999, to assess the risks to the health and safety of employees. Failure to comply with legislation could result in enforcement action from the Health and Safety Executive or other legal action against the Council, it could also put other employees or members of the public at risk.

We also have a duty to make staff aware of the consequences of any actions/behaviour that may result as a consequence of substance misuse.

- Political: no implications identified.
- Reputation: if guidelines are not in place an employee's actions in relation to alcohol or substance misuse could could damage the reputation of the council.
- Equalities and Diversity – it is important that all staff are treated fairly and consistently.

5. **RECOMMENDED THAT COMMITTEE**

5.1 Approve the Drug and Alcohol Policy as detailed at Appendix 1.

MICHELLE SMITH
HEAD OF HR

JANE PEARSON
DIRECTOR OF RESOURCES

BACKGROUND PAPERS

Appendix 1 – Drug and Alcohol Policy.

For further information please ask for Michelle Smith, ext 4402