

HUMAN RESOURCES & COUNCIL TAX COMMITTEE
12 October 2023

REPORT OF ASSISTANT DIRECTOR OF PARTNERSHIPS

A.2 - ALCOHOL AND DRUGS AT WORK POLICY

PART 1 – KEY INFORMATION

PURPOSE OF THE REPORT

To update the Human Resources & Council Tax Committee on the review of the Council's Alcohol, Drugs and Substance Abuse Policy in line with identified best practice and employment legislation.

EXECUTIVE SUMMARY

Tendring District Council is committed to providing a safe and professional environment for all employees and service users. As part of that commitment, it is important that all employees and anyone working on our behalf are clear about what is expected when it comes to alcohol and drugs at work.

Employees who come to work under the influence of alcohol or drugs can be a risk to both themselves and others. Colleagues, customers of the Council and members of the public can all be adversely affected and the reputation of the Council may also suffer.

The Council has a responsibility for preventing and controlling the misuse of alcohol and drugs at work for the benefit of the workforce in general and the community to whom we provide a service.

The Council is committed to supporting employees who admit, and seek help for an alcohol or drug problem.

This Policy was originally developed in 2007 (*although it has been subject to review*) at that time the Council was more tolerant of drinking at work, and during working hours. However, over the years the Council, and Society as a whole, has naturally shifted and changed its attitude to drinking at work. As such, there has been a comprehensive review of the Policy, and the rules around what is expected from employees have been expanded and clarified.

The updated Policy applies to all:-

- employees of Tendring District Council;
- employees of contractors working for the Council, for example agency staff and
- voluntary workers working with the Council.

This Policy does not apply to Elected Members who have separate policy and guidance in this area.

RECOMMENDATION(S)

It is recommended that the Human Resources & Council Tax Committee:

Approves and adopts the Council's updated Alcohol and Drugs at Work Policy.

REASON(S) FOR THE RECOMMENDATION(S)

As it is considered that the changes made to the Alcohol and Drugs at Work Policy go beyond the delegated authority that the AD for Partnerships has to make Minor amendments to Human Resources Policies and Procedures necessary as a result of legislation, national guidance or best practice, it is considered appropriate that the HR & CTAX Committee approves these changes in line with Part 3 of the Council's Constitution.

ALTERNATIVE OPTIONS CONSIDERED

There is an option of not making the changes recommended, however, this would not be in line with current best practice and the current culture of the Council.

Furthermore, by not accepting these changes, the Council may be at risk of breaching Health & Safety legislation, as well as reputational risk.

PART 2 – IMPLICATIONS OF THE DECISION

DELIVERING PRIORITIES

The Council's Alcohol and Drug Policy supports the authority's governance arrangements and provides assurance to the residents of Tendring that the Council has set in place rules, regulations, quality standards and procedures. This will ensure that high standards of conduct and commitment to service are observed by officers, thus, contributing to the Corporate Plan 2020/24 priority requirements of '*strong finances and governance*' and the '*delivering high quality services*'.

LEGAL REQUIREMENTS (including legislation & constitutional powers)

The Council has a general duty under the health and Safety at Work Act 1974 to ensure that as far as reasonably practicable, that it looks after and protects the health, safety and welfare of employees. There is also 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 a manager knowingly allows an employee under the influence of drug misuse to continue working and their behaviour places the employee or others at risk, then there could be serious legal and financial risks for the Council.

The Road Traffic Act 1988 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 Misuse of Drugs Act 1971 covers nearly all drugs with misuse and or dependence liability. The Act makes the production, supply and possessions of these controlled drugs unlawful except in certain specified circumstances (*e.g. they have been prescribed by a doctor*).

Other relevant legislation is as follows:

- Equality Act 2010

FINANCE AND OTHER RESOURCE IMPLICATIONS

No specific risks have been identified. This is a policy review and update which is needed to ensure best practice and continued legal compliance. This work sits within existing budgets.

USE OF RESOURCES AND VALUE FOR MONEY	
The following are submitted in respect of the indicated use of resources and value for money indicators:	
A) Financial sustainability: how the body plans and manages its resources to ensure it can continue to deliver its services;	The Alcohol and Drugs at Work Policy looks to support employees who otherwise might be absent from work due to the effects of alcohol or drugs, and therefore impacting our delivery of services.
B) Governance: how the body ensures that it makes informed decisions and properly manages its risks, including; and	The revised Alcohol and Drugs at Work Policy forms part of the Council's governance arrangements. It provides a mechanism to ensure that there are clear rules around alcohol and drugs at work, and what to do in cases where such rules are breached.
C) Improving economy, efficiency and effectiveness: how the body uses information about its costs and performance to improve the way it manages and delivers its services.	As a major employer in the district, the Council's ambition is to contribute to building a more prosperous local community by modelling good employment practice. Tendring District Council is also An 'Anchor' organisation – Anchors play a key role in shaping and developing the skills of the local workforce.
MILESTONES AND DELIVERY	
(a) Agreement by Management Team 26 September 2023 (b) Human Resources & Council Tax Committee 12 October 2023 (c) Officer Decision 16 October 2023 (d) Publication to TDC intranet 16 October 2023	
ASSOCIATED RISKS AND MITIGATION	
The updated Alcohol and Drugs at Work Policy will ensure that the authority meets its statutory obligations with regard to Health and Safety legislation.	
OUTCOME OF CONSULTATION AND ENGAGEMENT	
Full consultation has taken place with the local Unison Branch Executive, and they are fully supportive of the recommended approach (<i>in line with best practice</i>) in the terms of the updated rules concerning alcohol and drugs at work, and the management of alcohol and drug related issues at work.	
EQUALITIES	
<p>The Equality Act 2010 legally protects people from discrimination in the workplace and in wider society.</p> <p>In line with the Public Sector Equality Duty, public bodies such as the Council must, in the exercise of their functions, give due regard to the need to eliminate discrimination, harassment, victimisation, to advance equality of opportunity and foster good relations between those who share a protected characteristic and those who do not.</p> <p>The Council is committed to being an inclusive employer and a 'Disability Confident Leader', in all of its people policies and practices.</p>	

The revised Alcohol and Drugs at Work Policy will ensure that the Council continues to comply with all relevant employment legislation and identified best practice.

The Alcohol and Drugs at Work Policy is explicit in that all cases will be dealt with in a non-discriminatory and consistent way and in accordance with the Council's Diversity and Equality Policies.

Having undertaken an Equality Impact Assessment, the conclusion is that the proposal does not impact on the protected characteristics.

SOCIAL VALUE CONSIDERATIONS

The Council aims to lead by example as a major local employer. This includes following recognised best practice and ensuring full compliance with legislation.

Examples of this include being a Disability Confident Leader and an Employer Recognition Scheme Gold Award holder; both of these commit the authority to being an advocate in these areas.

The Council is also an Anchor organisation. Anchor organisations are usually large organisations which are local to place and have the leverage to maximise social value through their role as workplace developers, employers and procurers, their core business (*for example health and education*) and the linkages they have to the place they operate.

IMPLICATIONS FOR THE COUNCIL'S AIM TO BE NET ZERO BY 2030

This report has no direct implication on the Council's aspiration to be net zero by 2030.

OTHER RELEVANT IMPLICATIONS

Consideration has been given to the implications of the proposed decision in respect of the following and any significant issues are set out below.

Crime and Disorder	Not applicable
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Health Inequalities	Not applicable
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Area or Ward affected	Not applicable
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ANY OTHER RELEVANT INFORMATION

PART 3 – SUPPORTING INFORMATION

BACKGROUND

The Council's Alcohol and Drugs at Work Policy has undergone a comprehensive review. The amended policy and procedure offers a fair and consistent approach to all employees.

The revised document provides more clarity in the terms of what is expected from employees, and the support available.

The updated Policy makes it clear that employees should not drink at work, and acknowledges that some of our workforce work remotely at home.

The Council's updated Policy covers the following sections:-

- The legal position
- Rules on alcohol
- Rules on illegal and prescribed drugs
- Responsibilities of both managers and employees
- Supporting an employee who may have a problem with alcohol or illegal drugs
- Procedure to follow if an employee has breached this policy
- Confidentiality
- Support available – although detailed support will be available in the accompanying guidance

In the updated Policy, although employees whose performance, behaviour or attendance at work is affected by alcohol or drugs, risk disciplinary action on the grounds of misconduct or capability, the Council is still committed to supporting employees who admit they have a problem with alcohol or drugs. As such, before taking disciplinary action, the Council will take into consideration where employees wish to voluntarily enter and actively participate in an alcohol or drug rehabilitation program.

Throughout the policy there is an emphasis on encouraging employees to seek help if they feel they have a problem, and for the manager to proactively identify and support any employees who they believe might have a problem with alcohol or drugs.

The name of the Policy has been changed to 'Alcohol and Drugs at Work' to reflect that the policy not only covers alcohol and drug misuse, but what is deemed acceptable in terms of drinking at work, and includes prescribed drugs and what employees should do if these might affect their ability to undertake their role.

To simplify the Policy, throughout the updated policy, the term 'substance' has been removed and replaced with 'alcohol and drugs' which also relates to the use of prescribed drugs (*including prescription medication that has not been prescribed to the employee*) and Novel Psychoactive Substances (NPS) including those formerly known as legal highs.

To support the Policy, new detailed guidance in this area for Managers and Employees will be made available. Therefore, some of the sections in the current Policy have been removed and will be included in the guidance documents.

PREVIOUS RELEVANT DECISIONS TAKEN BY COUNCIL/CABINET/COMMITTEE ETC.

The original Alcohol Drugs and Substance Abuse Policy was introduced in 2007.

BACKGROUND PAPERS AND PUBLISHED REFERENCE MATERIAL

There are no background papers or published reference material associated with this report.

APPENDICES

Appendix – Alcohol and Drugs at Work Policy October 2023

REPORT CONTACT OFFICER(S)

Include here the Name, Job Title and Email/Telephone details of the person(s) who wrote the report and who can answer questions on the content.

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