

Drugs and Alcohol at Work Policy and Procedure



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Drugs and Alcohol at Work Policy and Procedure

Introduction

This policy sets out the Council's approach to managing alcohol or drug misuse at work.

The Council is committed to ensuring the health and safety of all employees and others affected by our activities. It is crucial that employees conduct themselves in an appropriate, professional, and responsible manner at work, and that alcohol or drug misuse does not pose a health and safety risk.

The Council acknowledges that alcohol or drug dependence is a medical condition. If you disclose, or we suspect, that you have an alcohol or drug problem, we will adopt a non-judgmental and supportive approach to help you get the assistance you need.

The policy does not form part of the contract of employment. The Council reserves the right to conduct alcohol and drug testing of its employees under this policy.

Governing Legislation

- General Data Protection Regulation (GDPR);
- Data Protection Act 2018;
- Human Rights Act 1998
- Health & Safety at Work Act 1974;
- Employment Rights Act 1996;
- Equality Act 2010;
- Misuse of Drugs Act 1971;
- Road traffic Act 1988

Supporting Documents

This policy should be read in conjunction with the following HR policies and procedures:

- Code of Conduct for Council Employees
- Disciplinary Policy & Procedure

Aim

This policy aims to:

- Ensure the safety of all employees, contractors, and visitors by establishing clear rules regarding the use and possession of alcohol and drugs.
- Support those who have reported a problem with alcohol or drug dependence.

Scope of the Policy

The policy applies to all employees of the Council, whether they are fixed-term, permanent, full, or part-time.

The Drugs and Alcohol at Work Policy provides a framework for consistent and fair practice in addressing alcohol and drug related issues in the workplace.

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Drugs and Alcohol at Work Policy and Procedure

1. Objectives of the Policy

- 1.1 To state clearly the Council's standards regarding alcohol consumption and drug use within the workplace.
- 1.2 To prevent accidents and impaired performance at work which may be alcohol or drug related.
- 1.3 To actively promote awareness and understanding of the effects of alcohol and drug related problems within the workplace, emphasising the potential dangers for both individual's health and work performance.
- 1.4 To provide a framework for dealing with alcohol and drug related problems, clarifying the role of People Managers managing these issues, and ensuring access to support for all involved.
- 1.5 To foster an environment where employees with alcohol or drug problems feel encouraged to approach their People Managers/supervisors and receive a positive and sensitive response, balancing their needs with those of the Council, and the requirement to provide a safe, appropriate, and high-quality service.

2. Key responsibilities

People Managers should:

- Ensure compliance with this policy and procedure, applying it effectively and fairly within their area of responsibility
- Seek advice and/or guidance from hr when appropriate
- Take a leading role in informing their employees of the policy
- Monitor changes in work responsibilities under the policy
- Monitor changes in work performance and attendance
- Encourage employees to seek help voluntarily
- Use performance/disciplinary measures appropriately

Employees should:

- Be responsible for reporting concerns to their People Manager.
- Understand the effects of alcohol and drugs on work and health.
- Recognise that covering up or colluding with colleagues with alcohol or drugs problems is counterproductive and can perpetuate the problem.
- Urge work colleagues to seek help if they have a problem, knowing that a positive and supportive approach will be offered.
- If worried about their own drinking or drug use, seek help from their People Managers, The HR Team, Occupational Health Service or outside agencies such as

confidential Counselling Services, Drugs and Alcohol Advisory Service or outside agencies

- Be familiar with the policy and procedures.

The HR Team will:

- Provide advice and assistance on implementation of the policy.
- Refer employees for assistance where appropriate
- Support people managers in managing employees with alcohol or drug problems.
- Advise on suitability of using capability/disciplinary procedures
- Monitor the effectiveness of the policy.

3 Drug use

- 3.1 Drug use refers to the use of illegal drugs and the misuse, whether deliberate or unintentional, of prescribed drugs, non-prescribed drugs, legal highs, and substances such as, but not limited to, solvents.
- 3.2 Drugs can alter the way a person thinks, perceives, and feels and can lead to impaired judgement or concentration. Drug use can also result in the neglect of general health and well-being, which may adversely affect employee performance.
- 3.3 It is recognised that the misuse of legally prescribed and non-prescribed drugs or substances may also impair performance.
- 3.4 Signs of drug use are listed in Appendix A
- 3.5 It is not permitted for employees to be in possession, under the influence, deal in, or take drugs within classes A, B or C in the workplace, on duty or on call, unless prescribed by a doctor. A list of these drugs can be obtained from the [Gov.UK Website](#).
- 3.6 If an employee acts contrary to this policy in the workplace, they may be subject to disciplinary proceedings, which may be considered gross misconduct, following a full investigation by an independent Investigation Officer.
- 3.7 All employees must advise their People Manager if they are charged with or convicted of a drugs offence. If the People Manager is not informed, action may be taken under the Council's Disciplinary Policy & Procedure.
- 3.8 Convictions of employees for drug or alcohol offences may damage public confidence in Council services, irrespective of the role performed by employees and whether the offence was committed at work or not. It is the responsibility of the disciplinary panel to determine if there is reputational damage to the Council as a result of the conviction. This ensures a fair and thorough assessment based on the specifics of each case.
- 3.9 Professional employees should also be aware that such convictions will be reported to their professional body. This is a standard practice to maintain professional standards and accountability. However, this should be balanced with the need for fair treatment and due process.

4 Alcohol Consumption in the Workplace

- 4.1 Employees are not permitted to be under the influence of alcohol whilst in the workplace, or on duty, including when on call, and must remain fit to work.
- 4.2 Employees are not permitted to drink alcohol in a public place whilst wearing a Council identification badge or uniform.
- 4.3 For celebrations, events or functions within the working day (e.g. retirements, awards ceremonies etc), permission may be sought in advance from a Chief Officer to allow the consumption of alcohol.
- 4.4 Employees should note that drinking alcohol before work and during meal breaks can impair performance and pose risk to the health and safety of themselves and others. There is a perceived link between the smell of alcohol and incompetence which can damage public confidence in Council services. Under no circumstances must employees be under the influence of alcohol when on duty.
- 4.5 If an employee acts contrary to this policy in the workplace, they may be subject to disciplinary proceedings, which may be considered gross misconduct, following a full investigation by an independent Investigations Officer.
- 4.6 Occupational Health advice may be sought to assess the employee's fitness for duty. Non-compliance with the referral may lead to disciplinary action.
- 4.7 If an employee is intoxicated, under the influence of alcohol, or exhibiting behaviour that indicates they could be placing themselves and others at risk at work, they will be sent home immediately. The People Manager should ensure that the employee will be able to reach home safely and, if required, arrange a lift.
- 4.8 If an employee is suspected to be in breach of this policy, they will be suspended on grounds of potential gross misconduct, on full pay, whilst an investigation is conducted and concluded.
- 4.9 Employees are reminded that alcohol consumption outside of work can also be detrimental to performance at work and may lead to further action.
- 4.10 Employees should be aware that consuming large amounts of alcohol can result in lingering effects the following morning. These effects may include impaired judgment, reduced coordination, and decreased reaction times, which can impact workplace safety and productivity. Employees are expected to ensure they are fit for work and not under the influence of alcohol or substances when reporting for duty. The Council reserves the right to take appropriate action if an employee is found to be under the influence while at work.
- 4.11 Employees who are required to drive as part of their duties should not consume alcohol before coming on duty or while on duty. It is an absolute requirement for a driver to be under the legal limit.
- 4.12 The Road Traffic Act 1988 makes it illegal for any person to drive or attempt to drive a motor vehicle while unfit to drive through the use of a substance, including prescribed and over-the-counter medication, as well as illegal drugs and alcohol. Employees are reminded that driving while over the legal limit may result in police involvement and potential legal action.
- 4.13 Occupational health will see employees who have been referred by their People Manager and will normally liaise with the employee's GP to arrange necessary treatments, involving specialists in the management of alcohol or drug misuse.
- 4.14 The People Manager will monitor the employee's progress whilst they are off sick and liaise with the employee and HR Team to facilitate their return to work.

5 Corporate Hospitality Events

- 5.1 Corporate hospitality events include those where an employee is attending on behalf of the Council or where the Council supports the employee's attendance.
- 5.2 Employees attending corporate hospitality events represent the Council and must remain capable and presentable. These events can be Council functions or may be externally arranged events.
- 5.3 Employees are expected to behave reasonably at such events, avoiding activities that may bring the Council into disrepute, cause embarrassment or create any libellous circumstances.
- 5.4 With prior approval from the appropriate Chief Officer, the consumption of alcohol at Corporate events may be approved. However, employees must not consume alcohol to excess, as they are representing the Council and should remain capable and presentable throughout the event.

6 Operation of the Policy

- 6.1 All Employees are subject to the policy in various ways, such as:
 - 6.1.1 Voluntarily seeking help from a People Manager, or outside agency
 - 6.1.2 Showing signs of an alcohol or drug related problem, which may manifest itself in a variety of ways (see Appendix A).
- 6.2 In certain areas within the Council, being under the influence of alcohol or drugs may constitute a serious hazard or be illegal, such as driving a vehicle. In such instances being under the influence of alcohol or drugs is unacceptable and disciplinary action will be pursued, potentially resulting in summary dismissal.
- 6.3 Any breach of this policy will be treated as a disciplinary offence. However, the Council will always consider the circumstances of each case, including whether an employee is receiving support for a drug or alcohol-related problem, before deciding on the appropriate action.
- 6.4 The Council accepts that if an employee has an alcohol or drug related problem affecting work performance, confidential guidance and assistance should be offered. Such guidance and assistance may come from the People Manager/supervisor or any of the departments/agencies listed below. Medical suspension may be appropriate and will be determined by the Assistant Director.
- 6.5 When discussing such problems with employees, managers should prioritise assisting the individual concerned. If time off for treatment is recommended, the HR Team should be advised. Together with the People Manager, they will assure the employee that all benefits and rights granted by the Contract of Employment are safeguarded during the treatment period. Any help, advice, or treatment may be recorded as sick leave or medical appointments.
- 6.6 The confidentiality of employee's records will be preserved, except where individual cases must be reported to a particular professional governing body.

- 6.7 If support and encouragement have been given over a reasonable period and poor performance continues, recourse to the Council's Disciplinary/Improving performance Policies & Procedures may be appropriate.
- 6.8 In all cases where an employee is being investigated under circumstances relating to drugs or alcohol, they are entitled to be supported by a Trade Union representative/officer or workplace colleague.
- 6.9 The most senior person in charge is responsible for being supportive to employees and following appropriate reporting procedures.
- 6.10 It is recognised that any prescribed medication can affect an employee's ability to carry out work safely. Employees must advise their People Manager or the HR Team if work performance is affected.
- 6.11 In the case of volunteers, the Service Manager will be the responsible officer. Employees/People Managers should refer any issues about possible inappropriate consumption of alcohol by volunteers to the service manager.

7 Drug and Alcohol Testing

- 7.1 Drugs and Alcohol testing will only take place with the written consent of the employee concerned.
- 7.2 If an employee is to be tested for drugs, it will be for those listed in the Misuse of Drugs Act 1971, which might include other substances that could pose a risk to safety, such as Novel Psychoactive Substances. A positive result will mean that employee is above the levels in the UK Workplace Drug Testing Guidelines. If the employee tests positive, the Council will consider this as potential gross misconduct, pending further testing. If a medical condition is declared that may produce a false positive, medical guidance will be sought.
- 7.3 If an initial drug test result is positive, the sample will be sent to a certified laboratory for further testing. This additional testing will determine the specific levels and types of drugs present in the sample. The purpose of further testing is to confirm the accuracy of the initial result and provide detailed information about the substances detected. This ensures that any decisions made based on the test results are well-informed and fair
- 7.4 Drug tests may screen for a range of substances, including but not limited to:
 - Cannabis (THC)
 - Cocaine
 - Opiates (e.g., heroin, morphine)
 - Amphetamines (including methamphetamine)
 - Benzodiazepines
 - Barbiturates
 - Methadone
 - Phencyclidine (PCP)
 - Ecstasy (MDMA)

- 7.5 If an employee is to be tested for alcohol consumption, they must be below the legal drink drive limit, which is 0.8‰ BAC. If an employee tests at or above this level, the Council will consider this as potential gross misconduct.
- 7.6 With-cause alcohol and drug testing: An employee may be tested for alcohol and drugs in the following situations;
- Workplace Accident: Any involvement in a workplace accident, road traffic accidents (RTAs), or any incident resulting in physical or mental harm .
 - Near Miss Incident: Any incident that has caused or could have caused a danger to health or safety, including near misses where no harm occurred but there was a potential for injury or damage
- Testing will also be carried out where management has grounds to believe or suspect that the employee is or may be under the influence of alcohol or drugs. Please refer to **Appendix A** for signs and symptoms of drug and alcohol abuse
- 7.7 The People Manager is responsible for organising the testing with suitable provider.
- 7.8 Random alcohol and drug testing will be carried out on employees who work in safety-critical jobs, including those working with machinery, whose job duties involve driving, inclusive of pool car users and grey fleet users, or whose job involves a significant level of responsibility. This testing is conducted to ensure the safety and well-being of all employees and the public. Assistant Directors will determine the timing, focus, frequency, and sample size of random testing exercises, and sign off on the mechanism for selection.
- 7.9 Any employee who notices obvious signs of alcohol or drug abuse in a colleague should report their observations and/or suspicions in confidence to the HR Team or the People Manager.
- 7.10 Alcohol and drug testing will be carried out by qualified and competent personnel from an external alcohol and drug testing company, who will use accepted and reliable methods and ensure that tests are carried out with the least possible intrusion into employees' privacy.
- 7.11 Employees are advised that a request for an employee to undergo alcohol and drug testing does not indicate that they are under any suspicion of wrongdoing. Random testing is conducted to ensure compliance with the Council's policy and maintain a safe work environment. However, if the request for testing is based on reasonable suspicion, it means there are specific, observable signs or behaviours that suggest the employee may be under the influence of alcohol or drugs. In such cases, the People Manager will explain the grounds for suspicion and the potential consequences if the test result is positive.
- 7.12 An employee who unreasonably refuses to submit to an alcohol and drug test in accordance with Council Policies' will be subject to disciplinary action. If an employee refuses to comply with testing, they may be asked to leave the premises, and their failure to comply will be taken into account in respect of any formal investigation. Reasonable reasons might include medical conditions that contraindicate testing or religious beliefs. Unreasonable reasons could be a general refusal without valid justification
- 7.13 The outcome of a positive test will depend on the circumstances but may include disciplinary action, up to and including dismissal, where:

- 7.13.1 The effects of the employee's alcohol or drug taking are or could be serious, for example if the employee works in a safety-critical job and their use of alcohol or drugs has or could lead to a risk to health and safety; or
 - 7.13.2 A previous alcohol and drug test of the employee within the previous two years has produced a positive result.
- 7.14 If an employee has disclosed a problem with drug and/or alcohol misuse or dependency and is receiving medical help and support, the Council might test the employee on an ongoing basis to ensure they are safe to perform their normal job. The Council will determine the duration and frequency of ongoing testing based on individual circumstances, medical advice, and the nature of the employee's role.
- 7.15 People managers have the discretion to decide, based on business needs, whether to conduct drug testing on agency workers. Managers may choose to:
- Test the agency worker in accordance with the Council's drug testing policy, or
 - Refuse the worker and refer them back to the agency for further action

8 Testing Process

- 8.1 If an employee is asked to take a drugs and/or alcohol test, it will be conducted in private, like a First Aid room or People Manager's office.
- 8.2 The person conducting the test will explain to the employee why they are being tested whether it is for random testing or due to reasonable suspicion, and how it will be done. The People Manager will explain the potential consequences if the test result is positive for alcohol or non-negative for drugs. The employee will be asked to complete a form to give consent to the test.
- 8.3 The employee can be accompanied by a work colleague or a Trade Union representative. If the chosen companion is not within the hour, the Council will proceed with the test.
- 8.4 Alcohol tests will be conducted using an electronic breath test. If the result is zero, the test will conclude. If the result is above zero, the employee will be asked to wait 20 minutes and then provide another breath sample. The result of this second test will be considered final. If the employee chooses to not wait to do the second test, the Council will address this through the disciplinary process.
- 8.5 Tests will be arranged at the time of the accident or incident, or as soon as possible thereafter. Employees will be suspended from work duties until the test is completed.
- 8.6 Employees will be given reasonable notice before testing, except in cases where immediate testing is necessary for safety reasons. This ensures that employees are aware of the testing process and can prepare accordingly
- 8.7 If the result of the second alcohol test is positive and above the legal limit, the Council will typically suspend the employee from work on the grounds of safety. The employee will be invited to a meeting under the disciplinary process.
- 8.8 Drug tests will initially be conducted by a urine test. If the result is negative, the test will conclude, and the sample will be disposed of securely. If the result is non-negative, the remaining sample will be sent to a laboratory for analysis.

8.9 While awaiting the results of the analysis, the employee will typically be suspended from work on the grounds of safety. Depending on the analysis results, the Council may then invite the employee to a meeting under the disciplinary process. Support mechanism will be provided to the employee, and all employees have access to an employee assistance programme (EAP) throughout all stages of the procedure, which provides external, confidential, free-of-charge support, 24/7 all year round, including counselling, which may assist them with the process. Details are available on the Council's' intranet or from HR (HR@pspl.co.uk) and will be highlighted in key correspondence with the employee during the process.

9 Support

Occupational Health

9.1 If the Council suspect that an employee has an alcohol or drug problem, or the employee informs their People Manager of a drug or alcohol problem, the Council may refer to Occupational Health. Occupational Health can advise on the type of support that may be appropriate and may also signpost external sources of help and advice.

Employee Assistance Programme

9.2 Help and support are available through the Council's Employee Assistance Programme (EAP). EAP provides access to speak to an independent adviser on a confidential basis. To access the EAP website, go to [[CareFirst Lifestyle - CareFirst Lifestyle](#) with username and password].

External Sources of Help

9.3 Various organisations provide help and support relating to alcohol or drug dependence, including:

- [Alcohol Change](#); A national charity working to reduce problems caused by alcohol;
- [Drinkaware](#); An independent charity that works with others to help reduce alcohol-related harm by helping people make better choices about their drinking;
- [Drinkline](#); A free confidential helpline for people who are concerned about their drinking;
- [FRANK \(Talk to Frank\)](#); Offers confidential help and advice on drugs;
- [The Health and Safety Executive \(HSE\)](#); Provides guidance on managing drug and alcohol abuse at work and signposts available help and support.
- [We are with you](#) – Provides free. Confidential support with drugs, alcohol and mental health

9.4 Managers should engage in supportive conversations when they suspect an employee has a substance use problem. This includes discussing the availability of support and the possibility of time off for treatment.

10 GDPR – Data Protection and Privacy

- 10.1 Alcohol and drug testing will be conducted in accordance with an impact assessment to ensure that testing is necessary and proportionate. Testing is carried out to ensure the health and safety of workers and other.
- 10.2 All possible measures will be put in place to ensure the confidentiality of test results, and checks will be conducted to avoid any false results. This aligns with GDPR's principles of integrity and confidentiality, which require data to be secured against unauthorised access or breaches
- 10.3 Test results are processed in accordance with our data protection policy on processing special categories of personal data.
- 10.4 Access to test results is strictly limited to necessary personnel, such as the employee's People Manager and the HR Team. Unauthorized access to test results will be treated as a disciplinary matter and dealt with in accordance with our disciplinary procedure. We have arrangements with an external alcohol and drug testing company that uses accepted and reliable methods to ensure tests are carried out with minimal intrusion into employees' privacy
- 10.5 Test results are retained in accordance with our data protection policy on processing special categories of personal data. Positive alcohol and drug test results are retained only long enough for them to be investigated and dealt with under our Disciplinary Policy & Procedure.
- 10.6 Employees have several rights concerning their data, including the right to make a subject access request and rights to have data rectified or erased in some circumstances. Further details of these rights and how to exercise them can be found in our data protection policy.

Appendix A – Indications of alcohol and drug related problems

There is no single characteristic that identifies a person with an alcohol or drug problem. Alcohol or drugs are only two of many possible reasons for deteriorating job efficiency. However, if the following characteristics occur in combination or as a pattern over a period of time, alcohol or drug-related problems may be indicated.

Absenteeism

- Multiple instances of unauthorized leave
- Excessive sick leave (including frequent self-certified or uncertificated sick leave)
- Frequent Monday and/or Friday absences
- Excessive lateness, e.g., returning late from meal breaks
- Leaving work early
- Increasingly improbable excuses for absence

Reporting to Work Under the Influence of Alcohol or Drugs

- Attending work in an obviously inebriated condition
 - Smelling of alcohol
 - Hand tremors
 - Increasingly unkempt appearance
 - Lack of personal hygiene
- (NB: This is a dismissible offence under the Council's Disciplinary procedure)

Deteriorating Job Efficiency

- Missed deadlines
- Mistakes
- Making bad decisions
- Alternating periods of high and low productivity
- Increasing general unreliability and unpredictability
- Difficulty in Concentrating
- High Accident Rate

Poor Relationships at Work

- Over-reaction to imagined or real criticism
- Irritability
- Complaints from colleagues
- Borrowing money from colleagues
- Avoidance of manager or associates

Dishonesty and Theft

(NB: Theft is a dismissible offence under the Council's Disciplinary procedures)