Title

Drugs and Alcohol

Author (Role) | Review Date
---|---
Group Manager - Organisational Safety and Training | January 2017

Department | Date of Issue
---|---
Employee Relations and Resources | January 2015

Contents

General .................................................................................................................................2
Terminology..........................................................................................................................3
Legislation..............................................................................................................................3
Health and Safety at Work Act 1974 .........................................................3
Employment Law ..................................................................................................................3
Provision and use of work equipment regulations 1998 .................................................3
The Road Traffic Act 1988 .................................................................................................3
The Misuse of Drugs Act 1971 .........................................................................................4
The Service’s Attitude to Alcohol, Drugs and Substance Abuse at Work ...............4
Alcohol and Drug Awareness .......................................................................................5
Confidential Contact ........................................................................................................5
Drug or Alcohol Support ...............................................................................................5
Drugs and Other Substance Misuse ...........................................................................7
Sources of Help Available ............................................................................................7
Standby Duties ................................................................................................................7
Support Staff ...................................................................................................................8
Excessive Alcohol and Performance ..........................................................................8
Oxfordshire County Council Premises .................................................................8
Discipline Policy .............................................................................................................8
Uniform ............................................................................................................................8
Implications of Alcohol Consumption on Employment .........................................9
Alcohol and Drug Screening .......................................................................................9
Drug and Alcohol screening procedure and process .............................................9
Independent Drug and Alcohol Testing procedure ..............................................10
Policy Review ...............................................................................................................11

Links to other documents for consideration/review

- OCC Drugs and Alcohol policy
- Oxfordshire Fire and Rescue Service Occupational Health Unit
- Medical examinations
- OCC HR Toolkit 6 - Raising concerns at work, grievances and whistle-blowing
- Managing Attendance policy
Purpose

Oxfordshire Fire and Rescue Service is responsible for the health, safety and welfare of all its employees at work and recognises that their well-being is important to the Service’s performance and image. The Service via this policy document, will ensure clarity for employees who should be aware of the risks associated with alcohol, drugs and substance misuse. The overall aim is to protect as far as possible the interests of all those who work for the Service or who are served by it.

Moral/Legal/Financial duties/implications

- Health and Safety at Work Act 1974
- Road Traffic Act 1988
- Misuse of Drugs Act 1971
- Moral duties as an employer
- Data Protection Act, 1998
- Provision and Use of Work Equipment Regulations, 1998
- Employment Rights Act, 1996
- Corporate Manslaughter

How the policy should be implemented

General

The Management of Oxfordshire Fire & Rescue Service and the FBU as the recognised Trade Union, will not condone or tolerate personnel at work who are adversely affected by alcohol, drugs or substance misuse which affect their own or others safety. When notified in advance, we will work together to support individuals who may have an alcohol or drug addiction and support them to receive the appropriate medical treatment to overcome their illness. It is important that every individual understands their role within the Service and the contents and ramifications of this policy document.

Chief Fire Officer

Chair, Fire Brigades Union

Application

This policy applies to all Gold and Grey book staff, irrespective of role and also applies to any contractors visiting the Service.

The purpose of the policy is to help protect workers from the dangers of alcohol, drug and other substance misuse and to encourage those with problems to seek help.
Terminology

In this policy the term ‘Drug’ includes drugs and medicines, either prescribed or purchased from a retailer, that are misused.

The term ‘substance misuse’ describes the misuse of any substance, illegal or otherwise, that has a detrimental effect on the user’s ability to carry out their duties.

Further useful information and terminology on drugs, the causes and effects are explained at the end of this document.

Legislation

Health and Safety at Work Act 1974

The employer’s duty of care is derived under the Health and Safety at Work Act 1974 (HSWA). Under section 2, Employers have a duty to ensure that employees are not put at risk in the workplace if knowingly allowing an employee under the influence of drugs or alcohol to continue working, which places them or others at risk.

Under section 7, Employees are also required to take reasonable care of themselves and others who could be affected by their actions. This means that employees could be liable to an investigation if their alcohol consumption or drug taking puts safety at risk.

Employment Law

Drug and alcohol testing is governed by a wide range of domestic and European law. This includes the European Convention on Human rights, Data Protection Act, 1998 and the Disability Discrimination Act, 1995.

Drinking or drug taking, whether on or off duty, may be a fair reason for dismissal on the grounds of conduct or capability under the Employment Rights Act, 1996.

Provision and Use of Work Equipment Regulations, 1998

All staff are required to be in a fit state to use work equipment and to not cause injury to themselves or others around them. Work equipment includes the use of hydraulic or other power tools, Breathing Apparatus, vehicles or machinery etc.

The Road Traffic Act, 1988

The Road Traffic Act stipulates that any person driving or attempting to drive a motor vehicle whilst unfit to drive through use of a substance may be prosecuted.
The Misuse of Drugs Act, 1971

It is illegal to produce, supply or be in possession of drugs covered under this Act unless prescribed by a Doctor. Drugs are classified into three categories Class A, B and C according to their potential to cause harm.

Class A drugs are the most dangerous and so carry the heaviest penalty for misuse.

Supply of drugs is punished by law more severely than possession. Allowing premises to be used for supplying or producing drugs is an offence and carries severe penalties. If this occurs within any OCC premises the Council could be found liable, with attendant consequences for both managers and staff.

No employee will be permitted to be in possession of any alcohol * or illegal drugs whilst on duty or at work.

* it may be acceptable on some social occasions to be in possession of alcohol eg when setting up a reception for a guests etc but this will be an exception and requires prior approval of the Brigade Manager.

Possession or dealing in illegal drugs whilst on duty or at work will without exception, be reported to the Duty Officer who will liaise with the Brigade Manager who will in turn, inform the Police.

Class A – this includes Cocaine, Heroin, Ecstasy, LSD and Methadone.
Class B – this includes Cannabis and Amphetamines etc
Class C – this includes Tranquilisers such as Diazepam, Lorazepam, Temazepam.

Not all drugs or substances that can be misused are illegal, many ordinary office or household substances can also intoxicate e.g. solvents, butane etc. This policy covers all intoxicating substances, not just those that are illegal.

Neither alcoholism nor drug addiction constitute a disability under the Disability Discrimination Act 1995, although addiction to medically prescribed drugs such as tranquilisers might be covered by legal obligations. Addiction could indicate or precipitate a health problem such as depression.

The Service’s attitude to alcohol, drugs and substance abuse at work

The Fire and Rescue Service provides the major rescue and fire fighting emergency service and there is an expectation on the part of the general public, that members of the Service will be ready for immediate emergency action without any impairment through alcohol, drug or substance misuse. The same expectation applies to any other contact with the public or with colleagues, engaged in a range of non- operational activities.
Policy and Procedural Documents

The Service cannot condone the consumption of alcohol, on duty, by uniformed or non-uniformed personnel whose duties involve driving or operation of potentially dangerous machinery/equipment, eg. hydraulic power tools, Breathing Apparatus, driving Fire Service vehicles or operating machinery. There is a duty on all such members to maintain the public’s confidence in the Service, by not being impaired in any way by the use of drugs or alcohol whilst at work.

There is a further responsibility on all Service members to ensure their own health and safety at all times and not to jeopardise the safety of others.

The Service considers that the workplace is an appropriate place for the early identification and prevention of problems and early intervention will increase the chances of successful treatment.

The Service recognises that disciplinary procedures alone or ignoring the problem, are not appropriate responses to the problem. However, either the individual or colleagues must report any concerns at an early stage, which will facilitate professional support with minimum embarrassment to the individual.

Alcohol and Drug Awareness

The Service acknowledges the importance of prevention, training and education and will run awareness programmes where appropriate, to educate and advise staff about the dangers of drug and alcohol misuse, how it can affect work performance, social lives and their health. (See Drug and Alcohol awareness training programme procedure document)

The Service will also promote healthy lifestyles and education through the Occupational Health team and a list of useful contacts are included at the end of this policy.

There is no “one size fits all” solution to any drug or alcohol problem as there may be a wide variety of work or home related problems which has caused this to occur.

All our staff should feel confident that they can report their concerns at the earliest opportunity, so that effective and where necessary professional assistance can be given to individuals.

Confidential Contact

If anyone has a concern about any individual, they can choose to telephone Control and ask to speak directly to the Duty Officer (DO) confidentially. The use of the term “Alcohol or Drug concern” means that Control will treat the request as a confidential matter and not request any personal details from the caller. The DO will deal with and treat the information confidentially and determine the appropriate course of action in accordance with the OCC whistle blowing policy. (Refer to OCC HR toolkit 6 - Raising concerns at work, grievances and whistle-blowing)
Drug or Alcohol Support

The management of Oxfordshire Fire & Rescue Service and the FBU as the recognised Trade Union, will not tolerate personnel at work who are adversely affected by alcohol, drugs or substance misuse which affect their own or others safety. When notified in advance, we will work together to support individuals who may have an alcohol or drug addiction and support them to receive the appropriate medical treatment to overcome their illness. It is important that every individual understands their role within the Service and the contents and ramifications of this policy document.

Individuals can ‘self refer’ directly to Occupational Health in the first instance if they wish. However, some managerial decisions may or will need to be made for support and to authorise any treatment and the usual route should be to seek assistance via the Senior HR Advisor who will liaise with Occupational Health for professional, expert advice and support. This route remains confidential as with all other health related matters and will require the individuals consent prior to any disclosure of information at case conferences.

Normal benefits under sick pay provisions will apply and paid leave will be arranged between the Service, the individual and the agency concerned, to enable the recovery programme to be undertaken where necessary.

It is expected that individuals will make a fair and reasonable effort to overcome their problem. Where professional treatment is not successful, the individual will be allowed a second course of treatment if he or she relapses.

Individuals will be allowed to return to their original post following any effective treatment or they may request a transfer where peer support may prove to be beneficial elsewhere.

If the individuals are not willing to co-operate; advice from the Senior HR Advisor, or the HR Business Partner (HRBP) should be sought.

The Six Steps to Improving Performance and the Capability Policies should also be considered, which may ultimately result in dismissal on the grounds of capability.

Use of the Capability and Disciplinary policies would usually be held in reserve but may be necessary if an individual refuses to accept help/treatment or rehabilitation or where a particular incident of misconduct occurs.

All staff should:

- Be familiar with this alcohol, drug and substance abuse policy and how it affects their job.
- Seek help if they are worried about their own drinking or drug consumption.
- Avoid covering up for or colluding with other individuals who have an alcohol or drug problem.
Encourage other individuals to seek help if they have an alcohol or drug problem.
Comply with their contractual requirements to remain fit for duty at all times.

Drugs and Other Substance Misuse

There is very little difference between the misuse of alcohol and misuse of drugs and other substances in terms of problems at work. The Service will adopt the same approach whatever type of substance is involved.

However, the legal implications relating to some drugs are wider than those applying to alcohol. Offences under the Misuse of Drugs Act are serious and the Service would take appropriate action under the relevant disciplinary procedure where such offences came to light and reserve the right to inform the Police in cases of a serious breach, such as supplying drugs on County Council premises.

Staff who are on prescription drugs, which may impair or alter their performance, have a responsibility to check the information provided with the drugs and to seek Occupational Health advice to ensure that the medication will not impair them in any way before reporting for duty. Occupational Health can provide guidance on what effect prescription drugs can have on the body.

Sources of Help Available

Managers or individuals requiring further advice about the content of this policy should contact the Employee Relations and Resources team or the Occupational Health Adviser. Further useful contact numbers and details are listed at the end of this policy.

All enquiries of this nature will be treated in confidence. Any access to counsellors will be in the strictest confidence. No discussions about the employee will be undertaken without the permission of the person concerned.

Standby Duties

Members of the Service who are on call or on standby duties to provide cover or availability, who are likely to be called upon to turn out to incidents, should completely avoid any alcohol intake.

However, it is recognised that there are some staff who generally provide extended periods of availability and cover, eg. 24 hour cover over nights and weekends etc and these individuals should either avoid any alcohol intake whatsoever or exercise constraints to within the set legal driving limits.
Any members of staff that are required to drive Fire Service vehicles in an emergency, due to the increased risks will **not consume any alcohol or use any substance that would impair their ability to drive.**

**Support Staff**

Members of the Service other than those mentioned above, eg. Support and Administrative staff, should be aware of their alcohol intake and keep within sensible limits. Alcohol consumption will become a concern to the Service if it interfered with a person’s ability to do their job. All Green Book staff are required to comply with the County Council drugs and alcohol policy.

**Excessive Alcohol and Performance**

It is recognised that excessive intake of alcohol when off duty could affect an individual’s performance at the time they report for duty. Alcohol and drugs stay in the bloodstream for considerable periods of time.

Individuals must ensure their on-duty performance will not be impaired by off-duty alcohol consumption. If an individual member of the Service considers that his or her judgement is impaired through alcohol, then he/she should report that they are unfit for duty. However, it should be noted that there is a requirement to meet contractual obligations and the matter will be fully investigated.

**Oxfordshire County Council Premises**

The misuse of drugs and alcohol or substance misuse is strictly prohibited on all County Council premises.

**NOTE** – From **1 January 2010**, all OFRS premises will not permit any alcohol on any Fire & Rescue property. The only exceptions will be for specific organised events such as official retirements or other special occasions that have been authorised by a Brigade Manager.

The Service will take appropriate action under the relevant disciplinary procedure if such offences are discovered.

**Discipline Policy**

All personnel are reminded that being unfit for duty through alcohol/drugs may well bring them into conflict with the Service’s Discipline Policy.

**Uniform**

Personnel will not be permitted to wear uniform and consume any alcohol within public houses, social clubs, restaurants or similar establishments.
These provisions remain paramount and in some cases the contravention of this drugs and alcohol policy may be treated as gross misconduct, which may ultimately lead to dismissal.

**Implications of Alcohol Consumption on Employment**

Where a line manager has reason to believe that an individual’s performance is impaired by alcohol or misused drugs whilst on duty or prior to reporting for duty (due to erratic behaviour etc) and they believe that this will cause an impairment to their duties, the line manager will, due to Health and Safety reasons and for their own and their crew safety, take the individual off the run immediately.

**Alcohol and Drug Screening**

The Service will **not** undertake **random** alcohol and drug screening within the workplace.

The Service will, however, undertake ‘**With Cause**’ alcohol and drug screening.

The ‘**With Cause**’ alcohol and drug screening will be determined by the following criteria:

- If someone is on duty and there are any concerns that they may be affected or impaired by the use of either drugs or alcohol.
- Considerations should be made post accident or following a near miss as part of the accident investigation officer’s initial considerations.
- Reduced performance suspected to be related to drugs or alcohol.
- Serious errors of judgement or inappropriate behaviour suspected to be related to drugs or alcohol.

**Drug and Alcohol screening procedure and process**

1. Line Managers have the direct responsibility to inform the Duty Officer (DO) immediately if this situation occurs. The Duty Officer will initiate an investigation to gather the full facts and determine the most appropriate course of action. The usual protocols for representation will apply.

2. The Duty Officer will be expected to attend within a reasonable time frame (up to 45 minutes) to oversee the investigation.

3. The individual must be monitored and observed at all times and reminded that they remain ‘On Duty’ but not available for operational calls until the DO arrives. A chain of evidence must be maintained by the first reporting manager and subsequent managers to ensure that the individual does not compromise any subsequent screening test.
4. The DO will determine the facts on arrival and decide if a screening test is required or not.

5. The screening test if required will be undertaken at the nearest Fire Station using the toilet facilities available.

6. The individual will be permitted to have a Trade Union representative or friend to accompany them for the investigation or screening aspect if they wish and a Station Manager or above will also be present to witness the investigation and or screening process.

7. The Duty Officer will give an individual the opportunity to admit the use / misuse of drugs, alcohol or substance misuse which may negate the need to initiate the screening process. This will be taken as a statement, witnessed, dated and signed.

8. The DO if required will formally notify the individual that they will be required to provide a urine sample as part of this drug and alcohol policy.

9. The DO will request via Control, the 24 hour independent screening company to attend the nominated Fire Station.

10. Dependant on the investigation and upon authorisation by a Brigade Manager, this may result in the suspension of the individual after being screened for alcohol and drug misuse at work. Any suspension of duty will be implemented with full pay.

**Independent Drug and Alcohol Testing procedure**

1. The independent screening company upon arrival at the nominated Fire Station will request the donor to confirm their name and details and consent for the sample to be taken and tested.

2. The toilet facilities at the Fire Station will be prepared and the individual will be asked to provide a sample of urine which will be supervised but will not impact upon the donor’s privacy.

3. In extreme cases an alternative screening procedure may involve an oral sample being taken.

4. The sample will be placed in two separate containers in the presence of the donor who will sign both labels. The samples will be sealed and signed in front of the donor in approved tamper proof bags.

5. Collections of samples are under a strict chain of custody by a trained representative from the screening company that undertakes the testing. These will be sent to a certified and verified laboratory for testing.

6. One of the sealed samples will be stored at the laboratory in secure storage should the donor require a second test by an independent laboratory. (This will be at the donor’s own expense)
7. The results will be notified to the Service within 24-48 hours followed by a detailed report.

8. If the test is positive the test on the original sample will be repeated.

9. If the second test is positive, further investigations will include the exact details of the substance levels involved, which if found to be positive could lead to disciplinary action.

**Note** - Should the individual refuse to co-operate with the alcohol or drug screening or refuse to provide a sample which has been requested as part of this drug and alcohol policy, the matter may be considered as gross misconduct and will be referred for disciplinary action which may lead to dismissal.

If you are worried about your own, a partner’s, child’s or colleagues dependencies on alcohol or drugs seek advice at the earliest opportunity.
The following organisations may also be able to provide professional help or advice:

**Alcohol Concern** 020 7264 0510 [www.alcoholconcern.org.uk](http://www.alcoholconcern.org.uk)
64 Lemen Street, London E1 8EG

**Action on Addiction** 0845 126 4130 [www.actiononaddiction.org.uk](http://www.actiononaddiction.org.uk)
East Knoyle, Wiltshire SP3 6BE

**Alcoholics Anonymous** 0845 769 7555 [www.alcoholics-anonymous.org.uk](http://www.alcoholics-anonymous.org.uk)
[xxxx@xxxxxxxxxxxxxxxxxxxx.xxx.xx](mailto:xxxx@xxxxxxxxxxxxxxxxxxxx.xxx.xx)

**Narcotics Anonymous** 0845 733366 [www.ukna.org](http://www.ukna.org)
202 City Road, London EC1V 2PH

**FRANK** 0800 77 66 00 [www.talktofrank.com](http://www.talktofrank.com)
Government Drugs Info Service

**Health at Work** 0151 236 6608 [xxxx@xxxxxxxxxxxxxxxxxxxx.xxx.xx](mailto:xxxx@xxxxxxxxxxxxxxxxxxxx.xxx.xx)
Ground floor Orleans House, Edmund street Liverpool

**ACAS**
Health, work and wellbeing
[www.acas.org.uk](http://www.acas.org.uk)

**Health and Safety Executive** 08701 545500 [www.hse.gov.uk](http://www.hse.gov.uk)

**HSE Don’t mix it A guide to employers on alcohol at work**

**HSE Drug Misuse at work**

**Drugscope** 020 7520 7550 [www.drugscope.org.uk](http://www.drugscope.org.uk)
Prince Consort House Siite 204 109/111 Farringdon road London EC1R 3BW

**Joseph Rowntree Foundation**
[www.jrf.org.uk](http://www.jrf.org.uk)
Drug testing in the workplace
Responsibilities
Managers and Individuals have responsibilities listed within this policy document.

Equality Impact Assessment
As this policy is applied to all staff in the same way, there are considered to be no equality issues related to this policy. Any ‘with cause’ testing undertaken will be carried out by a member of the same sex as the sample donor. This policy does not affect the service provided to the public other than to ensure as far as practicable that it is provided by individuals unaffected by drugs or alcohol.

Freedom of Information Assessment
The OCC policy will be applied, as will any legal obligations.

Data Protection Assessment
The “Access to Medical reports Act“, 1988 will be applied where relevant and the OCC policy and any legal obligations on Data Protection will be followed.

Training Implication
Training and awareness sessions will be provided to managers and via this policy to all staff. In addition the Occupational Health provider will, via their website, make available to all personnel, guidance and advice on the conditions / issues related to the above.
Regular Health and Safety Bulletins will be produced to remind staff about the increased risks due to seasonal changes, eg. at Christmas and summer.

Abbreviations
DO – Duty Officer
EAS – Employment Advisory Service
ERR – Employee Relations and Resources
OCC – Oxfordshire County Council

<table>
<thead>
<tr>
<th>Policy Title</th>
<th>Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>Drugs and Alcohol</td>
<td>January 2015</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Signatures</th>
</tr>
</thead>
<tbody>
<tr>
<td>Functional Manager or SDM/SSM</td>
</tr>
<tr>
<td>Signature</td>
</tr>
<tr>
<td>J. Lloyd (1342)</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>SLT Member or CFO</th>
</tr>
</thead>
<tbody>
<tr>
<td>Signature</td>
</tr>
<tr>
<td>J. Lloyd (1342)</td>
</tr>
</tbody>
</table>
This policy has been updated to reflect the current Occupational Health provider and the changes to terminology applied since the original document was published. The contents remain as per the original which the FBU signed up to as per the statement included and therefore no consultation has taken place.