

To: Members of the Special Sub-Group

**Councillors Hayfield, Gosling, D Humphreys, Jenns,
Parsons and Singh**

For the information of the other Members of the Council

SPECIAL SUB-GROUP

9 July 2019

The Special Sub-Group will meet in the Committee Room, The Council House, South Street, Atherstone on Tuesday 9 July 2019 at 6.30 pm.

AGENDA

- 1 Evacuation Procedure.**
- 2 Apologies for Absence / Members away on official Council business.**
- 3 Disclosable Pecuniary and Non-Pecuniary Interests**
- 4 Public Participation**

Up to twenty minutes will be set aside for members of the public to ask questions or to put their views to elected Members. Participants are restricted to five minutes each. If you wish to speak at the meeting please contact Democratic Services on 01827 719221 or email democraticservices@northwarks.gov.uk.

ITEMS FOR DISCUSSION AND DECISION (WHITE PAPERS)

- 5 **Update Report on Human Resources Issues** – Report of the Corporate Director - Resources

Summary

This report summarises work done by the Human Resources team in 2018/19 and highlights further work to be undertaken in 2019/20. It provides details of the sickness levels for the period of April 2018 to March 2019 and provides some further information on action taken in managing absence.

The Contact Officer for this report is Kerry Drakeley (719300).

- 6 **Alcohol, Drugs and Substance Misuse Policy & Procedure** – Report of the Corporate Director – Resources

This report advises members of the background to the new policy on Alcohol, Drugs and Substance Misuse and recommends the adoption of the policy for the Council. The policy has been consulted on with employees and the trade unions.

The Contact Officer for this report is Kerry Drakeley (719300)

- 7 **Exclusion of the Public and Press**

Recommendation:

That under Section 100A(4) of the Local Government Act 1972, the public and press be excluded from the meeting for the following item of business, on the grounds that it involves the likely disclosure of exempt information as defined by Schedule 12A to the Act.

EXEMPT INFORMATION (GOLD PAPERS)

- 8 **Housing Maintenance Service – Team Changes** - Report of the Director of Housing

The Contact Officer for this report is Angela Coates (719369).

STEVE MAXEY
Acting Chief Executive

For general enquiries please contact Democratic Services on 01827 719221 or via e-mail – democraticservices@northwarks.gov.uk.

For enquiries about specific reports please contact the officer named in the report.

Agenda Item No 5

Special Sub Group

9 July 2019

**Report of the
Corporate Director-Resources**

**Update Report on Human
Resources Issues**

1 Summary

- 1.1 This report summarises work done by the Human Resources team in 2018/19 and highlights work to be undertaken in 2019/20. It provides details of the sickness levels for the period of April 2018 to March 2019 and provides some further information on action taken in managing absence.

<p>Recommendation to the Sub-Group</p> <p>That the report be noted.</p>

2 Introduction

- 2.1 This report provides an update on Human Resources issues and the position on sickness for 2018/19, and in addition, highlights work to be undertaken in 2019/20.

3 Health and Absence Management

3.1 Summary of Sickness Absence 2018/19 (April 2018 – March 2019)

- 3.1.1 Absence Management is recorded for all employees, and is then analysed into short and long term absence. Comparing the same time period in 2017/18 to 2018/19 there is a large increase in long term sickness absence per full time equivalent (FTE), 2.33 and an increase, 0.22 in short term sickness. The position is summarised in the table below, with additional detail given at Appendix A.

...

Type	2017/18	2018/19
Short Term	4.42 days per FTE	4.64 days per FTE
Long Term	4.29 days per FTE	6.62 days per FTE
Total	8.71 days per FTE	11.26 days per FTE

3.1.2 In line with the Attendance Management Policy short-term sickness absence reports are sent to Directors on a monthly basis. HR also meets with the Directors on a bi-monthly basis to provide advice and to discuss what action they have taken within their Divisions. The aim of these reports and meetings is to increase managers' awareness of sickness absence within their Divisions, which should aid proactive and consistent management of absence issues and will contribute to minimising short-term absence figures. Managers now take employees with habitual short-term absences to case management earlier.

3.1.3 The long-term sickness absence is being managed either by getting staff back to work or them exiting the organisation either on ill-health retirement, dismissal or by resignation. Those with significant long-term absence equates to 19 employees having lost a total of 1,201.26 days. 16 of these employees have successfully returned to work, 2 are still absent, and 1 has left the Council.

... 3.1.4 Appendix B shows the reasons for the number of days lost per FTE. The main reasons for absence relate to: Muscular-Skeletal, Stress/Anxiety/Depression and Infections/Colds/Flu.

4 Recruitment, Retention and Selection

4.1 There were a number of starters and leavers between April 2018 to March 2019. There were 65 leavers, including 6 employees who retired, 2 redundancies, 52 resignations, 1 deceased and 4 end of contract (TUPE transferred out). There were 32 new starters. This equates to a labour turnover of 21.32% (19.02% voluntary leavers).

4.2 The Council has continued with the strategy of reviewing all posts that become vacant. Those posts that need to be filled are recruited to internally where possible. During 2018/19, 32 posts have been filled internally; this supports the Council's ability in succession planning.

5 Employee Relations

5.1 The HR team provides advice and support to managers on all HR issues. The HR Manager and the HR Officers provide support to managers and lead, where appropriate, on investigations, disciplinary, grievance, and capability relating to performance or attendance. There were 4 investigations (3 disciplinary and 1 dignity at work) undertaken from April 2018 – March 2019.

5.2 The HR Manager and HR Officers also provide considerable support in the actions up to and including hearing and appeals (if required). Of the disciplinary investigations – 2 resulted in no disciplinary action taken and 1 resulted in the employees resigning from the organisation. The Dignity at Work investigation is an ongoing investigation.

- 5.3 Service restructures require staff consultations which the HR Manager and the HR Officers undertake with the line managers. These require HR to provide support to both managers and staff, with the queries and information they require during the process or following implementation. During 2018/19 this has involved considerable support following the restructure within Leisure Facilities (and the associated TUPE transfer for Arley Sports Centre employees).
- 5.4 The HR team co-ordinated the Staff Survey 2018, which was sent to all employees in November 2018. 203 employees completed the survey. This is a response rate of 48%, which is 1% down with last year. There were 47 questions in total, which included 5 new questions. The results of the 2018 survey are statistically 'worse' in comparison to the previous year's results, however, overall still had many positive results in each of the sections. For example, the question "Do you know how you can help the Council to succeed?" may be statistically worse than last year; however, 80.87% of respondents answered 'Yes', which is still a very positive result.

6 Pay and Benefits

- 6.1 The Pay Policy statement was updated for 2018/19, and published on the Council's website. The pay award for 2018/19 was agreed as part of the two year agreement reached for 2018/19 to 2019/20
- 6.2 Gender pay reporting legislation requires employers with 250 or more employees to publish statutory calculations every year showing how large the pay gap is between their male and female employees. Employers in the public sector must base their pay data on staff employed on a "snapshot" date of 31 March each year and will have 12 months to publish the information on their own website and to upload it to a Government website. This year has been the first year for employers to report; therefore, the Council's report for the snapshot date of 31 March 2018 was published in March 2019 and the results are as follows:
- The mean gender pay gap for the Council is 6%
 - The median gender pay gap for the Council is -5%
 - The Council does not pay bonus payments
- 6.2.1 To date, the steps the Council has taken to promote gender diversity in all areas of its workforce include a Flexible Working Policy which is available to all employees regardless of their gender and applies in the majority of job roles / service areas. In the coming year, the Council will continue with its commitment to reviewing its recruitment practices; for example, are roles targeted at male candidates and is the literature equally attractive to male and female candidates, and whether flexible working is highlighted in job advertisements where appropriate.
- 6.3 The cycle to work scheme (Government-approved salary sacrifice initiative allowing employees to hire a bike and accessories) was successfully run in June 2018. The window for applications is set at once a year for the month of June.

7 Learning, Training and Development

- 7.1 In the 2018/19 training year, Supervisors/Team Leaders received a 360-degree appraisal with the HR section managing the process and producing the analysis in house. An external consultant provided the feedback to the officers and produced a report of the overall findings.
- 7.2 The consultant reported that managers remain loyal and committed to the organisation and the managers expressed their view that getting the results and having the feedback was a very positive and valuable experience. The majority of reports demonstrated an improvement in the performance of managers. The consultant highlighted that a theme across the feedback sessions with managers was issues with delegation, time management and prioritising tasks during times when resources are being strained across services.
- 7.3 Our E learning programme is currently covering Health and Safety, Fraud Awareness, Equality and Diversity, Customer Service, Data Protection, Freedom of Information, Bribery Act 2010, Staff Reviews (Appraisals). The HR Manager continues to work with the administrator to maintain and develop modules for NWBC. Working in collaboration with the other Local Authorities in Staffordshire and Warwickshire, the Council benefits from cost effective or free training.
- 7.4 During the 2018/19 training year, the Council ran approximately 51 in house courses including Child Protection, Adult Safeguarding and Health and Safety courses (e.g. Asbestos Awareness, Legionella Awareness and First Aid).
- 7.5 The apprenticeship levy came into effect from 6 April 2017. The HR team have assisted Divisions with the consideration of apprenticeships, where appropriate. During 2018/19, the Council has appointed a Housing Management Apprentice (commenced September 2018) and an Apprentice Mechanic (commenced in January 2019)

8 Safety Management

- 8.1 Managers undertake risk assessments, safe systems of work and safety audits in their work areas.
- 8.2 The Health and Safety Officer has continued to work with managers and Directors in all the service areas of the Council, to provide health and safety advice and support. Duties include accident investigations and a corporate audit of risk assessments

9 Policies Procedures and Processes

- 9.1 During 2018/19, a review of the Council's list of posts requiring Disclosure & Barring Service (DBS) checks commenced to ensure that they continue to meet the DBS eligibility requirement. The HR Manager has taken the lead on this. The review is in the final stages and the revised policy will be presented to Board accordingly.

- 9.2 During 2018/19, an Alcohol Drugs and Substance Misuse Policy and Procedure was drafted and consulted on with employees and the trade unions. The Policy is the subject of a separate report to Special Sub Group.
- 9.3 Some policy work planned for 2018/19 had not been completed, due to the considerable work on staffing matters following restructures.

10 **Areas to be taken forward in 2019/20**

- 10.1 As part of the continued management of sickness absence across the Council, work has begun on reviewing the Council's Occupational Health Provider. Whilst the Council has been content with the services of the current provider for a numbers of years, it would be beneficial to review the available providers in the market to ensure that a cost effective, efficient service is delivered.
- 10.2 The pay award for 2019/20 was agreed as part of the two year agreement reached for 2018/19 to 2019/20 and consists of a redefinition of the national pay spine throughout which reintroduced a consistent differential between pay points. All staff on current SCP 29 and above received a pay award of 2.0% and staff on current SCPs 6-28 incl. received a higher percentage pay award in order to meet the National Living Wage provisions for full implementation.
- 10.2.1 The National Employers are meeting with the Unions on the 24 July to receive their pay claim for 2020. As such, the negotiations will commence between the National Employers and the Unions later this year. Officers from the Council will attend a Pay Consultation event held by the Regional Employers Organisations (West Midlands Employers being one of these) to understand the potential impact and options around the pay claim(s) and to share views on the impact these may have on the organisation to influence these national negotiations.
- 10.3 The HR work plan for 2019/20 includes an updated timetable for policy review to ensure that progress is made in this area.

11 **Report Implications**

11.1 **Finance and Value for Money Implications**

- 11.1.1 These will depend on whether additional resources are used to cover periods of absence. Most short-term absence is absorbed within sections. However, if sickness is long term, and the service could potentially fail as a result of staff shortages, then there would be additional costs to maintain services, either through buying in extra resources or acting up arrangements.

11.2 **Human Resources Implications**

- 11.2.1 As detailed in the report.

11.3 Equality Implications

11.3.1 Under the Equality Act there are specific responsibilities specified under the public sector equality duty to ensure that local authorities meet the general equality duty. In terms of Human Resources there are specific codes of practice for employment and for equal pay.

11.4 Links to Council's Priorities

11.4.1 Effective recruitment and management of the workforce contributes to the Council's priority of making the best use of our resources.

The Contact Officer for this report is Kerry Drakeley (719300)

Background Papers

Local Government Act 1972 Section 100D, as substituted by the Local Government Act, 2000 Section 97

Background Paper No	Author	Nature of Background Paper	Date

APPENDIX A

ALL SICKNESS

	2017/18	2018/19	2017/18	2018/19	2017/18	2018/19
Division	Average FTE per Division	Average FTE per Division	Days Lost by FTE	Days Lost by FTE	Sickness per FTE	Sickness per FTE
Assistant Chief Exec	27.42	27.27	218.32	307.87	7.96	11.29
Corporate Services	25.42	24.70	92.37	106.92	3.63	4.33
Streetscape	65.79	67.35	846.70	859.98	12.87	12.77
Leisure & Comm Dev	51.61	50.79	544.21	556.06	10.54	10.95
Community Services	36.98	35.40	99.30	323.12	2.69	9.13
Finance, HR & Internal Audit	18.19	17.46	88.87	147.78	4.89	8.46
Housing	82.88	75.39	818.07	1,031.95	9.87	13.69
Chief Exec	3.52	6.60	9.19	99.66	2.61	15.10
Total	311.81	304.96	2,717.02	3,433.34	8.71	11.26

SHORT TERM SICKNESS

	2017/18	2018/19	2017/18	2018/19	2017/18	2018/19
Division	Average FTE per Division	Average FTE per Division	Days Lost by FTE	Days Lost by FTE	Sickness per FTE	Sickness per FTE
Assistant Chief Exec	27.42	27.27	67.94	121.67	2.48	4.46
Corporate Services	25.42	24.70	72.37	80.92	2.85	3.28
Streetscape	65.79	67.35	368.71	364.98	5.60	5.42
Leisure & Comm Dev	51.61	50.79	286.90	271.21	5.56	5.34
Community Services	36.98	35.40	99.30	161.47	2.69	4.56
Finance & HR	18.19	17.46	31.91	60.81	1.75	3.48
Housing	82.88	75.39	444.60	282.75	5.36	3.75
Chief Exec	3.52	6.60	9.19	70.06	2.61	10.62
Total	311.81	304.96	1,380.92	1,413.87	4.42	4.64

LONG TERM SICKNESS

	2017/18	2018/19	2017/18	2018/19	2017/18	2018/19
Division	Average FTE per Division	Average FTE per Division	Days Lost by FTE	Days Lost by FTE	Sickness per FTE	Sickness per FTE
Assistant Chief Exec	27.42	27.27	150.38	186.20	5.48	6.83
Corporate Services	25.42	24.70	20.00	26.00	0.79	1.05
Streetscape	65.79	67.35	477.99	495.00	7.27	7.35
Leisure & Comm Dev	51.61	50.79	257.31	284.85	4.99	5.61
Community Services	36.98	35.40	0.00	161.65	0.00	4.57
Finance & HR	18.19	17.46	56.96	86.97	3.13	4.98
Housing	82.88	75.39	373.47	749.20	4.51	9.94
Chief Exec	3.52	6.60	0.00	29.60	0.00	4.48
Total	311.81	304.96	1,336.11	2,019.47	4.29	6.62

Reasons for Sickness

Division	Accident at Work	Back/ Neck	Chest	Cold/ Flu/ Infections	ENT / Mouth	Endocrine	Geni-Urin	Heart	Mental III Health	Muscular/ Skeletal	Neurological	Pregnancy	Skin Conditions	Stomach	Total
NWBC	0.00	146.87	169.45	404.47	133.62	30.56	101.40	32.89	916.36	1051.67	64.64	25.66	74.63	281.10	3,433.34

<u>Sickness Code</u>	<u>Description</u>
Accident at Work	Accident at Work (Accident Form must be completed)
Back / Neck	Back & Neck problems
Chest	Chest / Respiratory: to include Chest infections
Cold / Flu / infections	Cold / Flu symptoms / Infections (<u>not</u> chest)
ENT / Mouth	Ear / Eye / Nose / Mouth including dental and sinusitis
Endocrine	Thyroid / Diabetes and other Endocrine related conditions
Genito-Urinary	Genito-urinary: including menstrual conditions
Heart	Heart / Blood pressure & circulation
Mental III Health	Anxiety, Depression / Stress / Mental Fatigue
Muscular-Skeletal	Musculo-Skeletal Problems
Neurological	Neurological; including headaches and migraine
Pregancy	Pregnancy related
Skin Conditions	Skin Related Conditions
Stomach	Stomach, Liver, Kidney & Digestion; to include gastro-enteritis

Agenda Item No 6

Special Sub Group

9 July 2019

**Report of the
Corporate Director -
Resources**

**Alcohol, Drugs and Substance
Misuse Policy & Procedure**

1 Summary

- 1.1 This report advises members of the background to the new policy on Alcohol, Drugs and Substance Misuse and recommends the adoption of the policy for the Council. The policy has been consulted on with employees and the trade unions.

Recommendation to the Sub-Group

To adopt the Alcohol, Drugs and Substance Misuse Policy and Procedure.

2 Introduction

- 2.1 As an employer North Warwickshire Borough Council is mindful of the welfare of all its employees and is concerned that the use of alcohol, drugs and/or other substances by its employees should not impair their health and social life or have a detrimental effect on an employee's attendance, conduct and work performance.
- 2.2 Misuse of alcohol, drugs and/or other substances has the potential to seriously affect the health, safety and wellbeing of Council employees and may impact on those who use the Council's services, as well as others who may be affected by our activities or undertakings.
- 2.3 Historically there have been few issues relating to alcohol, drugs and/or substance misuse in the workplace. When issues have arisen, in the absence of a formal policy, the Council has adopted a best practice approach in the management of such matters, in conjunction with existing Council policies such as the Health, Safety and Welfare Policy, Attendance Management Policy and Disciplinary Policy.

3 Benefits of an Alcohol, Drugs and Substance Misuse Policy

3.1 The Council has legal obligations under the Health and Safety at Work Act 1974 and Management of Health and Safety at Work Regulations 1999 to ensure, as far as is reasonably practicable, the health, safety and welfare at work of their employees. Therefore, it is best practice to have a policy and procedure for managing the risks associated with alcohol, drugs and/or substance misuse in the workplace. The proposed policy is attached at Appendix A. This policy is in addition to the Council's existing policy on Health, Safety and Welfare.

3.2 The policy outlines the Council's rules on alcohol, drugs and other substances. It clarifies the responsibilities of Managers and employees, what help is available and when matters may be dealt with under the Council's Disciplinary Policy and Procedure. The policy would ensure that if any issues arise in the future there is a consistent approach to dealing with these.

4 Employee Consultation

4.1 As part of the consultation process, management and trade unions discussed the proposed policy, however, in regard to the consumption of alcohol and what limits should be used, discussions had been unable to reach an agreement. As a result, the views of the wider workforce were sought.

4.2 A questionnaire was sent to all Council employees asking for them to express their view on which option they would prefer:

Option 1 - The introduction of no consumption of alcohol during the working day for all Council employees

or;

Option 2 - Limits on the consumption of alcohol depending on activities undertaken within an employee's role (e.g. Contact with the public, the need to drive)

4.3 The response rate to the questionnaire was 47.4 % of the workforce and the results were as follows:

TOTAL	Number of responses	% of responses
Option 1	160	78.4%
Option 2	44	21.6%
	204	100%

The majority of respondents voted for Option 1 (i.e. no consumption of alcohol during the working day for all Council employees) and consequently this approach has been adopted in the Policy.

5 Report Implications

5.1 Human Resources Implications

5.1.1 As detailed in the report.

5.2 Equality Implications

5.2.1 As detailed in the report.

5.3 Links to Council's Priorities

5.3.1 Effective management of the workforce contributes to the Council's priority of making the best use of our resources.

The Contact Officer for this report is Kerry Drakeley (719300)

Background Papers

Local Government Act 1972 Section 100D, as substituted by the Local Government Act, 2000 Section 97

Background Paper No	Author	Nature of Background Paper	Date

ALCOHOL, DRUGS AND SUBSTANCE MISUSE POLICY AND PROCEDURE



**North Warwickshire
Borough Council**

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Alcohol, Drugs and Substance Misuse Policy and Procedure

1. Introduction and Scope of the Policy and Procedure

- 1.1 As an employer North Warwickshire Borough Council is mindful of the welfare of all its employees and is concerned that the use of alcohol, drugs and/or other substances by its employees should not impair their health and social life. The Council is also concerned that misuse of alcohol, drugs and/or other substances may have a detrimental effect on an employee's attendance, conduct and work performance.
- 1.2 Misuse of alcohol, drugs and/or other substances has the potential to seriously affect the health, safety and wellbeing of Council employees and may impact on those who use the Council's services, as well as others who may be affected by our activities or undertakings.
- 1.3 Employees drinking alcohol and/or taking drugs and/or other substances may become a danger to themselves and others or a liability to the Council.
- 1.4 The Council may face enforcement action if it knowingly permits any employees, or those in the scope of the policy, to be at work or on duty whilst under the influence of alcohol, drugs and/or other substances.
- 1.5 It is recognised that there is a need to balance the requirements for firm action against those who inconsiderately compromise safety, with a supporting approach toward those in need of help with drug or alcohol dependency.
- 1.6 In order to provide a fair and effective approach, appropriate procedures will be applied where performance and safety is affected by or allegations are made in respect of alcohol and drug or substance misuse.
- 1.7 There is a clear link between misuse of alcohol, drugs or other substances and reduced safety and efficiency. The purpose of this policy, therefore, is:
 - to ensure that use of alcohol, drugs or other substances does not affect the health and safety of our employees or others with whom they come into contact in the course of their work;
 - to ensure that use of alcohol, drugs or other substances does not affect the efficient and effective operation of our services;
 - to set out our rules on alcohol, drugs and substance misuse;
 - to provide a procedure whereby employees who have a problem of alcohol, drugs or substance misuse can seek and be offered help in confidence; and
 - to provide guidance on the effects of alcohol, drugs or substance misuse and the symptoms associated with such misuse.
- 1.8 The policy applies to all North Warwickshire Borough Council employees and anyone representing the Council including volunteers, casual workers, agency workers and contractors.

2. Objectives

- 2.1 The policy has been developed to ensure the provision of a safe and healthy working environment. It is recognised that this can be put at risk by employees who misuse alcohol, drugs or other substances to such an extent that it affects their health, work performance, conduct and relationships at work. The objectives of the policy are to:
 - meet the requirements of legislation including the Health & Safety at Work etc. Act 1974 and the Misuse of Drugs Act 1971;

- indicate the restrictions on drinking alcohol and taking drugs and/or other substances at work;
- identify employees with possible problems relating to alcohol, drug or substance misuse at an early stage, offer guidance and actively encourage them to seek appropriate help;
- offer support to employees known to have either alcohol, drug or other substance related problems which are affecting their work, including referral to Occupational Health for further advice and assistance if appropriate;
- provide specific training for Managers and staff who have responsibilities for implementing this policy;
- promote the health and wellbeing of employees to minimise problems at work arising from alcohol, drug or substance misuse;
- make known to employees the harmful effects of the excessive use of alcohol, drugs or other substances; and
- promote a culture which will reduce the tendency to conceal or deny substance misuse or alcohol related problems.

3. Principles

North Warwickshire Borough Council will apply the following principles in the application of this policy:

- The Council is responsible for meeting legal requirements and taking all reasonable steps to prevent/reduce alcohol and drug or substance misuse in the workplace.
- The Council will ensure that all relevant parties in the scope of this policy are aware of the Council's policy and understand what standards and behaviours are expected.
- Managers should encourage professional behaviour and a productive working environment. The emphasis is on informal resolution and empowering individuals to effect positive change.
- The relevant person (e.g. Manager/Human Resources) should deal with any concerns raised immediately in a sensitive, professional and confidential manner in line with relevant procedures, to ensure an early and speedy resolution of any issues relating to alcohol and/or drug or substance misuse.
- Managers will ensure that all parties concerned are treated fairly.
- Each person in the scope of this policy is expected to ensure that his or her own conduct is in accordance with the Council's Employee Code of Conduct.
- Information will not be shared with anyone except those directly involved or as part of Management/Human Resources escalation to associated policies. The person affected may wish to discuss the matter with a friend/relative, Human Resources, work colleague or trade union representative for support.
- Human Resources will review the policy and procedure periodically and amend any contents if necessary to reflect changing legal requirements and/or best practice.

4. Council rules on alcohol, drugs and other substances at work

4.1 The Council's policy is that the working environment should be free from the influence of alcohol, drugs or other substances. This will help to ensure the health and safety of our employees and others with whom they come into contact, to maintain the efficient and effective operation of services and to ensure our customers receive from us the service they require. For those reasons, the following rules will apply.

4.2 Those under the scope of this policy:

a) should ensure that their performance or ability to carry out their activities at work safely and competently are not impaired in any way through alcohol, drugs or other substance misuse. This includes employees dealing with customers and/or the public who should not smell of alcohol when carrying out their duties;

b) should **not** report or attempt to report for work (including any standby periods) or return to work when unfit due to alcohol, drugs or other substance misuse (whether illegal or not).

Whether an employee is fit for work is a matter for the reasonable opinion of management. If an employee is considered to be under the influence of alcohol, drugs or another substance during working hours, arrangements will be made for the employee to leave their place of work until the facts can be established;

c) Employees should not consume alcohol or illegal drugs or misuse any substance while at work;

- Alcohol

All employees must not consume alcohol during their working day (which includes lunchtime or other official breaks)

- Drugs/Other Substances

All employees must not consume any illegal drugs or other substances (e.g. solvents) during their working day (which includes lunchtime or other official breaks)

d) Employees should not drive a vehicle whilst under the influence of alcohol, drugs or other substances, and should not be in possession of or dealing in illegal drugs in the workplace (illegal drugs include but are not limited to heroin, cocaine, ecstasy, amphetamines and cannabis/marijuana).

These are criminal offences and the Council cannot help any employee who is charged with such an offence, whether or not they are undergoing treatment for the problem. Any such offence committed during the course of their employment will be subject to action under the Disciplinary Policy and Procedure which will be treated as gross misconduct.

4.3 Contravention of these rules is a very serious matter and the Council will consider taking disciplinary action, which may result in dismissal (see section 8 below 'Disciplinary Action'). In addition, possession of or dealing in illegal drugs on Council premises will, without exception, be reported to the Police.

- 4.4 It is recognised that on occasions an employee's work performance may be affected by legitimately prescribed and over the counter medication (for example, drugs which cause drowsiness). Prescription and over the counter medication is not prohibited when taken in standard dosage and/or according to a prescription. The employee has a responsibility to discuss with their pharmacist/GP any known side effects of their medication and the risk exposure to them in relation to the type of work that they undertake e.g. operating machinery, driving, working at height, working alone etc. All employees have a duty to ensure their own safety and that of others whilst at work, and if the use of a medication could compromise the safety of the employee, fellow employees or the public, it is the employee's responsibility to use appropriate HR procedures (e.g. inform their manager, request adjusted duties, notification of sickness absence) to avoid unsafe workplace practices.

5. Testing

- 5.1 '**For Cause Testing**' means that a test can take place any time if a person under the scope of this policy is at work or on duty and there are grounds to suspect that they are unfit to carry out their duties and poses a threat to health and safety due to alcohol, drugs and/or other substances. The Council will employ an independent professional body to carry out any testing required. Testing will only be carried out under the instruction of the Corporate Director/Director, who will consult with Human Resources.
- 5.2 Indicators that an employee may be unfit to carry out his/her duties and poses a risk to health and safety are given in Appendix A of the guidance to this policy. Testing will take place if:
- An employee is involved in a serious accident or incident (including near misses) while at work
 - A Manager or Supervisor believes an employee's actions or behaviours gives reasonable grounds to suspect that they are unfit through alcohol, drugs and/or other substances
 - Discovery of drug and/or alcohol paraphernalia at a work location
 - Signs of current intoxication
 - Information provided by a reliable/credible source to suggest an employee is at work and under the influence of alcohol, drugs and/or other substances.
- 5.3 Anyone employed and in the scope of the policy will be subject to testing if the above applies.
- 5.4 In the case of alcohol, the Council will use the England, Wales & Northern Ireland level of 80mg Blood Alcohol Content (or the breath/urine equivalent). In the case of drugs/other substances, should anyone test positive for drugs and/or other substances, the Council will take professional advice on a case by case basis.
- 5.5 Where a drug or alcohol dependency problem has been identified, as a responsible employer, the Council reserves the right to require employees to have follow-up screening for a period to determine cooperation with, and to monitor progress during/following, any agreed rehabilitation programme.
- 5.6 Failure to give consent or refusal to provide a sample for testing will be considered to be a breach of procedure and will be taken into account when considering what support is offered and any appropriate disciplinary action.

6. Action by Managers and Supervisors

- 6.1 Managers/Supervisors should keep accurate records of instances of poor performance or other problems that may be related to an alcohol, drugs or other substances misuse problem. They should ensure they are aware of the ways in which problems can come to light (see Managers' Guide at Appendix A).
- 6.2 Where the Manager/Supervisor suspects an employee may have a problem with alcohol, drugs or other substances that may be affecting their work performance, conduct or attendance, they should initially hold an informal discussion with the employee to ascertain whether it is health-related and offer assistance. It may also be appropriate to raise this during a Return to Work Interview following any sickness absence from work. If the employee does not accept this offer of assistance, they should be advised to discuss the matter with a work colleague, their trade union representative or a friend/relative. If the employee then fails to accept the offer of assistance, their performance, conduct or attendance will be dealt with in accordance with the Council's normal Disciplinary Policy & Procedure, Attendance Management Policy & Procedure or Improved Performance Support Policy as appropriate.
- 6.3 If the employee accepts the offer, a counselling meeting will be arranged and an 'Alcohol, Drugs and Substance Misuse Agreement' completed between the employee and Human Resources (see Appendix B). The employee may be accompanied by their trade union representative or a work colleague. A copy of the agreement will be sent to their line manager.
- 6.4 If, however, the Manager/Supervisor suspects the employee is guilty of a single instance of alcohol-related or drug-related misconduct, this should be dealt with under the Council's Disciplinary Policy & Procedure.

7. Action by all employees

- 7.1 Employees who are concerned that a colleague is exhibiting symptoms of an alcohol, drugs and/or other substances related problem, must notify their manager or a member of the Human Resources team, providing reasonable grounds of their concerns/suspicions. Their comments will be handled in a confidential manner. In addition, any serious concerns that employees have about the conduct of officers of the Council or others acting on behalf of the Council can be reported under the Council's Confidential Reporting Policy. However, any employee making false accusations in bad faith will be subject to appropriate disciplinary action, which may result in dismissal.

8. Disciplinary action

- 8.1 If an employee contravenes the Council's rules, they will be dealt with under the Council's Disciplinary Policy & Procedure.
- 8.2 However, the disciplinary procedure may be suspended for a reasonable period pending investigation of whether an employee has a medical problem, is amenable to assistance and treatment and, if so, for that treatment to be undertaken.
- 8.3 Whether the disciplinary procedure is suspended will depend on:
 - a. the nature of the alleged offence;
 - b. the evidence that the employee has a health-related problem;

- c. the employee's willingness to accept assistance/be treated; and
- d. whether or not the employee is in their probationary period.

8.4 If the employee declines to accept assistance/undergo appropriate treatment, or discontinues treatment before its satisfactory completion, they will be subject to the normal Disciplinary Policy & Procedure.

9. Help available

9.1 Early identification and treatment is essential if problems are to be avoided. Employees who feel they have a problem are encouraged to come forward and seek assistance. For further advice and information (e.g. useful telephone numbers) please see Appendix C 'Employee Guide'.

9.2 Managers should identify, wherever possible, employees who may need help because of the effect of their alcohol, drug or substance misuse problems on their work performance, conduct or attendance. They should make themselves available at any reasonable time for confidential discussions with any employee who is concerned about their drinking, drugs or other substance use.

9.3 Additionally, Human Resources may be approached by any employee for a confidential meeting at which the options available will be explained.

9.4 Human Resources can arrange for an employee to receive independent counselling and/or advice. Human Resources will endeavour to maintain confidentiality, however, where the Manager/Counsellor forms the view that the health and safety of the individual, other employees or the public may be affected; they have a duty to inform the individual's manager and/or the Corporate Director/Director of the situation immediately.

9.5 During any period of absence from work for agreed treatment, the Council's normal sick pay arrangements will apply and absence for treatment will be treated as normal sickness. However, Human Resources will require formal confirmation that professional assistance has been sought.

9.6 If an employee does not follow an agreed or recommended course of treatment or if it is ineffective, lapses in their performance, conduct or attendance will be dealt with in accordance with the normal Disciplinary Policy & Procedure, Attendance Management Policy & Procedure or Improved Performance Support Policy as appropriate. This includes dealing with any matter which arose before the disciplinary procedure was suspended.

10. Law Relating to This Document

- Health and Safety at Work etc. Act 1974
- Management of Health and Safety at Work Regulations 1999 (SI 1999/3242)
- Misuse of Drugs Act 1971
- Transport and Works Act 1992
- Road Traffic Act 1988
- Human Rights Act 1998
- Police and Criminal Evidence Act 1984 Codes of Practice (PACE)
- Equality Act 2010

11. Related Documents

- Confidential Report (Whistle Blowing) Policy
- Employee Code of Conduct
- Disciplinary Policy & Procedure
- Attendance Management Policy & Procedure
- Improved Performance Support Policy

12. Monitoring and Review

The Council will review this policy in the first instance 12 months after implementation to ensure that it is working and is not disproportionately intrusive on employees. Once the policy is embedded the provisions of this policy will be subject to regular review as required by changes in legislation and guidance.

13. Communication and Training

The provisions of this policy and any updates will be communicated to all employees of the Council.

Managers' Guide – Alcohol, Drugs and Substance Misuse

Managers should ensure that they are aware that the misuse of alcohol, drugs or other substances by employees may come to light in various ways. The following characteristics, especially when arising in combination, may indicate the presence of an alcohol or drug-related problem:

Absenteeism/irregular attendance

- multiple instances of unauthorised leave
- increased short-term sickness absence,
- frequent Monday or Friday absences;
- unusually high absenteeism, e.g. for colds, flu and upset stomach.

Absenteeism whilst at work

- repeated absences during working hours, more often than reasonably necessary;
- frequent trips to the toilet;
- leaving work early;
- overlong tea breaks.

High accident levels

- at work;
- elsewhere, e.g. when driving or at home.

Reporting to work

- excessive lateness, e.g. Monday mornings or returning from lunch;
- arriving at work under the influence of alcohol, drugs or other substances;
- smelling of alcohol;
- unkempt appearance/lack of hygiene.

Lack of concentration and confusion

- work requires greater effort;
- jobs take an unreasonable time to complete;
- difficulty in recalling instructions and details;
- increasing difficulty in handling complex assignments;
- difficulty in recalling errors.

Irregular work patterns and deteriorating performance

- alternative periods of high and low productivity;
- increasing general unreliability and unpredictability;
- missed deadlines;
- mistakes due to inattention or poor judgement;
- complaints about performance;
- improbable excuses for poor performance.

Poor employee relations

- over-reaction to real or imagined criticism;
- unreasonable resentment;
- complaints from colleagues about behaviour;
- attempts to borrow money from colleagues;
- avoidance of manager or colleagues.

APPENDIX B

Alcohol, Drugs and Substance Misuse Agreement

Division:	Section:
Employee Name:	Date of Meeting:
Attendees:	
Reason For Meeting:	
Brief Details of Meeting:	
Agreed Actions (Examples of which may include the following): <ul style="list-style-type: none"> • Attendance • Appearance/Behaviour • Performance (to be monitored as agreed with your line manager) • Attend regular meetings with management (these will be documented and planned in advance) • Testing as and when required. • Attend all medical/counselling appointments and comply with treatment plans • Attend specialist follow ups and other support groups as appropriate • Agree timescale of this agreement. 	
N.B. It is essential that you comply with the agreed actions. If you do not, you will be subject to the normal Disciplinary Policy & Procedure.	
Sources of Advice, Information and Support: <ul style="list-style-type: none"> • • 	
Attendees Signatures:	Date:
I agree to comply with the agreed actions detailed in the agreement. I understand that the agreement will remain in place permanently, unless it is jointly agreed that it is cancelled.	
Employee Signature:	Date:

Employee Guide – Alcohol, Drugs and Substance Misuse

Misuse of alcohol, drugs and other substances can cause absenteeism, accidents at work, poor performance, strained relationships with colleagues, lateness and long-term ill health, all of which are a concern of the Council.

1. Alcohol misuse

- 1.1 Too much alcohol on a regular basis increases the risk of long-term damage to health, including to the liver, nervous system, heart, stomach and intestine. It may reduce immunity and the ability to fight off infection and it increases blood pressure.
- 1.2 Employees can help themselves by being aware of how much they drink each week, avoiding binge drinking and spreading their consumption over the week. The Government guidelines for both men and women, to keep the health risks from alcohol to a low level, is not to regularly drink more than 14 units a week. Women who are pregnant or trying to become pregnant are advised that the safest approach is not to drink alcohol at all, in order keep risks to baby to a minimum.
- 1.3 One unit of alcohol equals:
 - half a pint of ordinary-strength beer, lager or cider;
 - a small glass of wine;
 - a single measure of spirits;
 - two-thirds of a bottle of 'alcopop';
- 1.4 Remember that drinks poured at home are often more generous than bar measures.
- 1.5 It takes, on average, one hour to eliminate one unit of alcohol from the body. However, a given amount of alcohol will generally result in a higher blood alcohol level in women than in men.
- 1.6 To comply with the Council's rule against reporting for work when unfit due to alcohol, you should therefore:
 - avoid consuming alcohol during any breaks;
 - avoid consuming alcohol in the hours before reporting for work.
- 1.7 Besides staying within the low-risk limits, it is advisable not to drink every day, in order to give the liver a rest, and not to drink a weeks' alcohol in one session. There is no level of drinking which is totally safe for everyone and how well our bodies cope with alcohol depends on many factors.

2. Drugs and substance misuse

- 2.1 Drug misuse, as well as being illegal, can cause considerable physical and mental harm and can kill. Solvent abuse can have the same effects. The effects of some drugs on the body and the mind may continue for a considerable time after consumption; indeed many drugs are detectable by drugs tests for up to two or three months after consumption.

The simple advice in relation to drugs and solvent abuse is: don't.

Below is a guide as to on average drug retention times:

Amphetamines	1-4 days
Barbiturates	3-8 days (phenobarbital 14 days +)
Benzodiazepines	2-14 days
Buprenorphine	3-6 days
Cannabis	7-30 days
Cocaine	2-5 days
Methadone	1-7 days
Methamphetamines	1-4 days
Opiates	1-4 days
PCP(phencyclidine)	3-14 days
Propoxyphene	1-4 days
TCA (tricyclic antidepressants)	1-10 days

Useful Contact Support Services

If you are concerned that you or someone you care about has a problem with Alcohol, Drugs or Substance Misuse, there is lots of help and support available. Useful links are listed below. A good place to start is talking to your GP who can refer you to local support services. Alternatively you can contact one of the following organisations:

Addaction

Phone: 020 7251 5860

www.addaction.org.uk

A UK wide treatment agency, helping individuals and families to manage the effects of drug and alcohol misuse.

Alcoholics Anonymous

Phone: 0800 9177 650

Email: help@aamail.org

The British branch of this world wide network, AA is an organisation of Men and Women who share their experiences with each other hoping to solve their problems and help others to recover from Alcoholism. This is a free service.

Alcohol Concern

Phone: 020 3907 8480

Email: contact@alcoholconcern.org.uk

www.alcoholconcern.org.uk

The National Agency on alcohol misuse. This site contains fact sheets and other useful publications.

ADFAM

Phone: -020 3817 9410

Email: admin@adfam.org.uk

www.adfam.org.uk

Information and advice for families of alcohol and drug users. The website has a list of local family support services.

ADS (Addiction Dependency Solutions)

Phone: 0161 831 2400

Email: headoffice@adsolutions.org.uk

An alcohol and dependency specialist operating throughout the North and the Midlands. ADS offers free and confidential advice, support and information to anyone affected by their own or someone else's drinking or misuse of other substances or dependencies.

Drinkline UK

Phone: 0300 123 1110

A free national telephone information and advice service for anyone who has a drink problem or is worried about someone who may have a problem.

Release

Phone: 020 7324 2989

Email: ask@release.org.uk

www.release.org.uk

A free confidential service providing advice in relation to drugs and the law.

Samaritans

Phone: 116 123

Email: jo@samaritans.org

www.samaritans.org

Provides confidential non-judgemental emotional support, 24 hours a day for people who are experiencing feelings of distress, despair or suicide.

Talk to Frank

Phone: 0300 123 6600

SMS: 82111

www.talktofrank.com

A free confidential service providing advice in relation to drugs and the law.

Agenda Item No 7

Special Sub-Group

9 July 2019

**Report of the
Acting Chief Executive**

Exclusion of the Public and Press

Recommendation to the Board

That under Section 100A(4) of the Local Government Act 1972, the public and press be excluded from the meeting for the following items of business, on the grounds that they involve the likely disclosure of exempt information as defined by Schedule 12A to the Act.

Agenda Item No 8

Housing Maintenance Service – Team Changes – Report of the Director of Housing

Paragraph 1 – by reason of the report containing information relating to an individual.

The Contact Officer for this report is Emma Humphreys (719221)