



• Alcohol Misuse Testing and Welfare Support Policy and Procedure

Reference No. P13:2006

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Version Number 2.3

Linked documents

Reference No:	Name.
P42:2005	Substance Misuse Testing and Welfare Support Policy and Procedure
P12:2007	Association Declaration Procedure
P22:2004	Health and Safety Policy and Procedure
P26:2004	Private Medical Intervention Procedure
P09:2000	Support for Persons Reporting Wrongdoing

Suitable for Publication

Policy Section Yes

Procedure Section Yes

Protective Marking

Not Protectively Marked

PRINTED VERSIONS SHOULD NOT BE RELIED UPON. THE MOST UP TO DATE VERSION CAN BE FOUND ON THE FORCE INTRANET POLICIES SITE.

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1 Policy Section

1.1 Statement of Intent – Aim and Rationale

This policy applies to all Police Officers, Special Constabulary, Volunteers and Police Staff. For the purposes of this policy these groups will collectively be referred to as 'staff' unless it is necessary to be more specific to comply with explicit Home Office advice.

The primary purpose of this policy is to ensure our workforce is free from the risk of alcohol misuse, as any person who misuses alcohol is at risk of harm. This risk also extends to family and friends, work colleagues and the wider general public who we come into contact with. The misuse of alcohol can also lead to reduced efficiency, increased risk of accidents, higher sickness absence and potential misconduct.

This policy is not designed to provide advice on responsible drinking levels, health implications of misuse etc however there is a requirement for staff to present themselves fit for work at all times. Equally, the Force will undertake random testing of staff in posts where the physical risk to and safety of individuals, colleagues or members of the public would be significantly raised if the post holder were involved in alcohol misuse.

This policy also reflects Dorset Police's commitment to providing a working environment that gives consideration to the health, safety, welfare and wellbeing of all staff working within it and providing help to those who volunteer that they may have an alcohol misuse problem. Dorset Police wishes to emphasise the duty of care owed to its staff and to demonstrate a desire to enhance public confidence in the service it provides. Alcohol testing also supports the ethos of individual and managerial responsibility and accountability. All staff are responsible for challenging any type of alcohol misuse within the workplace.

Specifically this policy aims to:-

- ◆ Ensure that the public are protected, safe and feel safe;
- ◆ Ensure that all staff are able to achieve policing excellence and provide the highest quality service;
- ◆ Preserve and enhance the health, safety and welfare of all staff in matters relating to alcohol misuse;
- ◆ Provide advice, assistance and guidance to staff affected by alcohol misuse;
- ◆ Provide guidance, education and training to supervisors and managers who may be confronted by problems or incidents associated with alcohol misuse within the workplace;
- ◆ Ensure that the policy is fairly and consistently implemented across the organisation and
- ◆ Minimise the potential for corruption of any member of Dorset Police due to their vulnerability to it caused by their alcohol misuse.

Testing regimes will be proportionate to the problem and will not be of a scale that implies a lack of trust in the professionalism of the police service, or of a nature that might undermine the existing sense of responsibility to alert Managers to signs that a member of staff might have an alcohol problem. The testing regime has also been designed to:-

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- ◆ Deter individuals from alcohol misuse through the application of this policy that makes detection a real prospect;
- ◆ Encourage those with a alcohol misuse problem to identify themselves, so that they can be supported in seeking treatment;
- ◆ Screen individuals in certain safety critical posts areas, so as to minimise any risk of operations being prejudiced by impaired judgement and
- ◆ Protect individuals in posts in which they may be vulnerable to malicious allegations of alcohol misuse.

1.2 Our Visions and Values

Dorset Police is committed to the principles of “One Team, One Vision – A Safer Dorset for You”

Our strategic priority is to achieve two clear objectives:

- To make Dorset safer
- To make Dorset feel safer

In doing this we will act in accordance with our values of:

- Integrity
- Professionalism
- Fairness and
- Respect

National Decision Model

The National Decision Model (NDM) is the primary decision-making model used in Dorset Police. The NDM is inherently flexible and is applied to the development and review of all policy, procedure, strategy, project, plan or guidance. Understanding, using and measuring the NDM ensures that we are able to make ethical (see Code of Ethics), proportionate and defensible decisions in relation to policy, procedure, strategy, project, plan or guidance.

Code of Ethics

The Code of Ethics underpins every day policy, procedures, decision and action in policing today. The Code of Ethics is an everyday business consideration. This document has been developed with the Code of Ethics at the heart ensuring consideration of the 9 Policing principles and the 10 standards of professional behaviour. Monitoring is carried out through the Equality Impact Assessment process which has been designed to specifically include the Code of Ethics.

1.3 People, Confidence and Equality

This document seeks to achieve the priority to make Dorset feel safer by securing trust and confidence. Research identifies that this is achieved through delivering services which:

1. Address individual needs and expectations
2. Improve perceptions of order and community cohesion

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3. Focus on community priorities
4. Demonstrate professionalism
5. Express Force values
6. Instil confidence in staff

This document also recognises that some people will be part of many communities defined by different characteristics. It is probable that all people share common needs and expectations whilst at the same time everyone is different.

Comprehensive consultation and surveying has identified a common need and expectation for communities in Dorset to be:-

- Listened to
- Kept informed
- Protected, and
- Supported

2 Standards

2.1 Legal Basis

This policy takes its legal basis from the Police (Amendment No.2) Regulations 2012 which amends in part the preceding 2003 Regulations and also Home Office Circular 11/2012 'Testing police officers for substance misuse' which also covers alcohol misuse. For police staff, the management of health and safety issues is incorporated within the Police Staff Council Handbook.

It does not preclude any action taken under the statutory duties of an individual in relation to the Road Traffic Act 1988 or any other statutory provisions relating to alcohol misuse.

2.2 People, Confidence and Equality Impact Assessment

During the creation of this document, this business area is subject to an assessment process entitled "People, Confidence and Equality Impact Assessment (EIA)". Its aim is to establish the impact of the business area on all people and to also ensure that it complies with the requirements imposed by a range of legislation.

2.3 Any Other Standards

This policy is subject to an assessment process to establish its impact in relation to the requirements imposed by a range of legislation that might be affected by its implementation.

- ◆ The Health Safety and Welfare at Work Act 1974 places a duty on employers, so far as is reasonably practicable, to safeguard the health, safety and welfare of their employees while they are at work. Dorset Police is duty bound to ensure that staff are fit to carry out their duties in a safe and effective manner. Alcohol misuse may result in damage to the health and safety of the individual concerned or pose a risk to any other colleague or member of the public that person may come into contact with;

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- ◆ This policy complies with Home Office Circulars 45/2005 and 11/2012 'Testing police officers for substance misuse' which also covers alcohol misuse;
- ◆ The Code of Conduct places a responsibility on police officers to challenge and report wrongdoing, which includes any instances or occurrences under this policy. Whilst only legislated to police officers, the Force Tactical Plan makes it clear that this responsibility rests with all members of Dorset Police, including Police Staff, Special Constables and Volunteers;
- ◆ Access to Medical Records Act 1988 which establishes a right of access by individuals to reports relating to themselves.

2.4 Monitoring / Feedback

The Professional Standards Department maintains a list of individuals subject to testing. To ensure fair and proportionate testing takes place monitoring has been extended to include ethnicity, faith, disability and sexual orientation data where this information is held on the Force Personnel System and in consultation with the Force Confidence and Equality Officer.

The Forces external Occupational Health (OH) provider is responsible for carrying out pre-employment screening. OH performance data is recorded and monitored on a quarterly basis as part of existing contractual compliance controls. Individual personal data is maintained on the Forces computerised recruitment system.

The Welfare and Counselling Unit are responsible for providing support and welfare to individuals with an alcohol misuse problem and acting as a link with Professional Standards and various external agencies i.e. General Practitioner (GP) and OH. This unit also maintains confidential 'self declaration and referral' data and closely works with the Force's Employee Assistance Programme to monitor emerging trends.

Feedback relating to this policy can be made in writing or by e-mail to:

Address: HR Specialist, (Wellbeing and Engagement) Police Headquarters, Winfrith,
Dorset DT2 8DZ

E-mail: human-resources@dorset.pnn.police.uk

Telephone: 01305 223764

3 Procedure Section

3.1 Principle Content

3.1.1 This section will give guidance on how Dorset Police will support those staff who self declare an alcohol problem whilst outlining the positive and robust action that will be taken in all other cases where alcohol misuse is identified.

It will set out the procedure specifically in relation to:-

Part 1 – Responsibilities

◆ The responsibilities of individuals, managers and the organisation including welfare support and risk assessments

Part 2 – Alcohol Misuse

- ◆ Self-declaration
- ◆ Fitness for work
- ◆ Testing procedure
- ◆ Safety Critical posts
- ◆ Refusal to provide sample

3.2 **PART 1 – Responsibilities including welfare support and risk assessments**

Individual

3.2.1 Those working within the police environment and having an alcohol problem have an unquestionable responsibility to acknowledge it and seek immediate help and guidance.

3.2.2 The role of the individual's GP must be acknowledged as the main treatment provider whilst it is the organisations responsibility for welfare and support matters, especially within the working environment and where there are potential workplace health and safety issues.

3.2.3 Individuals can self refer via a colleague, supervisor, the Welfare and Counselling Unit, their respective Human Resources Business Support Team or UNISON/Federation.

3.2.4 Once reported, the individual has a responsibility to fully co-operate with any rehabilitation regime, which should be agreed by OH and the Welfare and Counselling Unit, together with the individual and their GP. This is best achieved by the holding of case conferences where necessary.

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- 3.2.5 A rehabilitation programme for alcohol misuse is often over a period of months or years and will be subject to agreement at a case conference. The organisation will assist in providing agreed suitable support for the individual. However, failure to comply with any rehabilitation programme by the individual, including any testing regime, within reasonable agreed timescales may render the individual concerned subject to misconduct, Performance Support/unsatisfactory performance or service confidence procedures.
- 3.2.6 When an individual is undergoing treatment or rehabilitation as a result of a self-referral, the individual concerned will not be eligible to apply for promotion or any internal transfer unless the person's role is such that theirs or others safety could be jeopardised. A risk assessment must be undertaken justifying the Managers position (see paragraph 3.3.)
- 3.2.7 In the case of Police Officers, any request to transfer to another Force area will be subject to informing the other Force of their current status.
- 3.2.8 The principles of confidentiality will be maintained on a strictly need to know basis. However, the need to conduct role specific risk assessments so as to determine the suitability of the individual to remain in their current role and to monitor rehabilitation will require OH and welfare and counselling staff to liaise with line managers, as necessary.
- 3.2.9 Details of medical conditions and specialist medical treatments will always remain confidential under the Access to Medical Reports Act 1988.
- 3.2.10 If the rehabilitation programme or treatment, cannot be provided by the NHS, or there are delays in the provision, Force financial support may be considered in accordance with the Private Medical Intervention Procedure P26:2004 located on the Force Document Library.

Colleagues

- 3.2.11 Everyone has a responsibility to act where they have suspicions of alcohol misuse by any member of staff. This should be reported directly to a supervisor who should ensure that an urgent referral is made via the Welfare and Counselling Unit or Human Resources Business Support Team.
- 3.2.12 It is unacceptable for any individual to fail to report such suspicions. The consequences for failing to report could have an adverse effect on others, the organisation and the public. However, it is acknowledged that a colleague reporting such a matter may find this difficult to do and may need additional support from the organisation. To that extent the principles set out in the Support for Persons Reporting Wrongdoing Policy P09:2000 will also apply to anyone reporting a colleague for alcohol misuse issues.
- 3.2.13 It is important that this is referred in person to the Welfare and Counselling Unit or Human Resources Business Support Team so that all relevant information can be obtained to address the issue quickly and proportionately. Where an individual feels that they are unable to do so, this can be reported via the Force Confidential Reporting System, 'Confide in Us'

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3.3 Supervisors and Managers (including risk assessment process)

- 3.3.1 If a supervisor receives a self-referral from an individual regarding an alcohol problem, the individual should be advised of the support available and an urgent appointment should be made with the Welfare and Counselling Unit. Details of the referral should be noted including the advice given and action taken.
- 3.3.2 An immediate 'role specific risk assessment' must be undertaken by the Manager to ensure the individuals continued suitability for the role. This assessment must be undertaken in conjunction with the Welfare and Counselling Unit and OH, a member of the relevant Command Team/Department and the individual concerned. This risk assessment must be reviewed at least monthly particularly if a rehabilitation programme is undertaken.
- 3.3.3 Where a supervisor or manager suspects an individual is misusing alcohol, or this is reported to them by another member of staff, this must be reported immediately to the Welfare and Counselling Unit who will advise the relevant Divisional/Departmental Command Team.
- 3.3.4 As with self-referrals, an immediate role specific risk assessment regarding that individual's role must be undertaken.

3.4 Welfare and Counselling Unit and Occupational Health Provider

- 3.4.1 The Welfare and Counselling Unit and OH have a crucial role to play in providing support and welfare to individuals with an alcohol misuse problem.
- 3.4.2 There needs to be close working arrangements between these agencies and also any GP's and relevant line managers to ensure the correct help is received by the individual and appropriate decisions are made to maintain the integrity of Dorset Police and importantly public confidence.
- 3.4.3 It will be the responsibility of the Welfare and Counselling Unit to co-ordinate case conferences. They will be responsible for providing recommendations to the Force on the individual concerned as well as monitoring any rehabilitation programme and ensuring risk assessments are reviewed.
- 3.4.4 OH will consider all cases referred to them and will give the individual:-
- (i) Advice on the risks associated with alcohol misuse and determine if medical intervention is appropriate;
 - (ii) Provide guidance regarding any suitable referral agencies and arrange treatment with them;
 - (iii) A rehabilitation programme which will be strictly monitored to ensure compliance and
 - (iv) Advice on the person's fitness for continued service in their present role if recommended treatment has been unsuccessful.

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- 3.4.5 The Welfare and Counselling Unit will be responsible for notifying the Head of the Professional Standards Department (for police officers) or the Head of Personnel Services (for police staff) of any failures by the individual to comply with the rehabilitation programme. The Unit will also be responsible for informing the relevant Command or Department and ensuring the present risk assessment is reassessed and considers any misconduct issues.

3.5 Other available support

- 3.5.1 The Human Resources Business Support Team will support individuals in the practical application of this policy by offering advice to managers who are dealing with work performance problems by advising on reasonable targets and timescales and by advising on other related processes i.e. OH referrals.
- 3.5.2 UNISON and staff associations have agreed to encourage individuals to seek assistance in accordance with the provisions of this procedure. An individual may request a representative to attend any case conference or related meeting.
- 3.5.3 Dorset Police has an outsourced 24/7 Employee Assistance Programme provider, in addition to providing support with day to day issues the EAP provider which supports in-house arrangements available through the Welfare and Counselling Unit. This includes a dedicated managerial consulting line. In addition to providing support with day-to-day issues alert the Force to clusters or 'hotspots' of particular risk in the organisation, drawing on anonymised data provided by calls to its 24 hours helpline and information from face-to-face counselling with employees.

3.6 PART 2 – Alcohol Misuse

Self-declaration

- 3.6.1 Alcohol is a substance that can be misused and which can seriously impair health and judgement. However, it is in a different category from controlled drugs in that its use is not illegal. Some misuse of alcohol can be an offence: an individual who is drunk and disorderly in a public place commits an offence; an individual who attempts to drive a vehicle whilst over the prescribed limit commits an offence. However, self-declaration of an alcohol problem is a matter that should be managed through the Welfare and Counselling Unit and OH providing support and guidance, rather than being regarded as a disciplinary matter.

Fitness for work

- 3.6.2 Home Office guidelines for Police Officers state that "there is a presumption that a person is unfit to work if they have more than 29 mg% in blood (39mg% in urine, 13 micrograms% in breath). This compares with a limit of 80mg% in blood for driving". Any breaches are likely to be contrary to Force Standards and Standards of Professional Behaviour.

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- 3.6.3 Police Officers have a general responsibility to ensure they present themselves fit for work. If their judgement is impaired by the consumption of alcohol, they are unlikely to be fit for work. It is for a senior manager to determine whether an officer is unfit for general duties due to consumption of alcohol.
- 3.6.4 It should always be open to the officer to declare that they suspect they might have inadvertently exceeded the limit. Any such declaration should be made before the officer is notified of any requirement to take a test. Such declarations should not result in the officer being penalised, provided there is no pattern of continuing excess. A declaration is only appropriate where there is unexpected change of duty, for example being allocated to driving duties involving possible use of the police exemptions under the Road Traffic Act due to a staff shortage or a recall to duty.
- 3.6.5 [The Police Staff Council – Police Staff Standards of Professional Behaviour](#) sets out the current ‘fitness for work’ advice for Police Staff. It is for the Personnel Manager, HR Business Support, in consultation with the relevant senior manager, to determine what action, if any, is appropriate where it is considered that an individual may be unfit for general duties due to consumption of alcohol. Members of Police Staff also have the opportunity to self-test using the guidance set out below.

3.7 Testing Procedure

- 3.7.1 Where an individual believes that they may have inadvertently exceeded the limit they can use a non-evidential hand-held breath test kit made available at police stations specifically for this purpose which is capable of measuring alcohol content as a digital read out.
- 3.7.2 Should this voluntary breath screening test exceed 13mg%, the individual has a responsibility to declare themselves unfit to work in a safety critical area (see section 3.8). This must be reported to a supervisor at the time, so that immediate action can be taken in terms of deciding the appropriate duty to be performed.
- 3.7.3 The supervisor must ensure that an individual providing such a screening result is immediately risk assessed and does not perform any duty involving a safety critical role until the individual provides an acceptable screening result and the risk is averted.
- 3.7.4 An individual providing a reading in excess of 13mg% using a breath test screening device in a voluntary screening test should not result in them being subject to misconduct proceedings. However, should this form part of a pattern of excess, the supervisor will have a responsibility to inform the Welfare and Counselling Unit.
- 3.7.5 Where formal testing is carried out as opposed to a voluntary screening test, it should be conducted using breath testing equipment capable of making measurements at the 13 mg% level (equivalent to the 29 mg% blood level). The only equipment available in Force capable of being used is the Lion Intoxilyzer machines located within Custody Suites. However individuals should never be tested on apparatus held in a custody suite, unless the suite is cleared of all other users.
- 3.7.6 Each “breath test” should consist of two consecutive breath specimen tests from the individual, with the final result being declared as the lower of the two results.

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3.7.7 The station intoxilyzer machines will only be operated by personnel trained and authorised in their use.

3.8 Safety Critical Posts (Random Testing)

3.8.1 A safety critical post is one in which the physical risk to and safety of individuals, colleagues or members of the public would be significantly raised if the post holder were involved in alcohol misuse. They are currently defined as:-

- (i) Firearms Officers. All officers authorised to use firearms or directly supervising such officers including Tactical Advisors, Armourers and training staff;
- (ii) Police Search Advisor Teams (POLSA Teams). All officers who are trained for Police Search teams;
- (iii) Drivers and motorcyclists who receive the adequate training to use the police exemptions under the Road Traffic Regulations Act 1984. This therefore includes all drivers trained to a 'Standard' driving level and who hold a post in which they may be called upon to use the exemptions;
- (iv) Air Support;
- (v) Marine Section.

3.8.2 The scale of testing will be regularly reviewed by the Professional Standards Department and in consultation with UNISON and local staff associations.

3.9 Refusal to Provide Sample

3.9.1 Whenever an individual refuses to provide a sample in accordance with this policy or in the course of a testing procedure, a referral of the circumstances will be immediately made to the Head of the Professional Standards Department (for police officers), or the Head Of Personnel Services (for police staff) for appropriate action. The actions taken for a refusal to take a test will be the same as actions taken for failing a test. The liability for officers to take a test is established in Police Regulations, and a refusal to take a test when required to do so will be considered as failure to obey a lawful order.

4 Consultation and Authorisation

4.1 Consultation

Version No:	Name	Signature	Date
Police & Crime Commissioner			
Police Federation			
Superintendents Association			
UNISON			
Other Relevant Partners (if applicable)			

4.2 Authorisation of this version

Version No:	Name	Signature	Date
Prepared:			
Quality assured:			
Authorised:			
Approved:			

5 Version Control

5.1 Review

Date of next scheduled review	Date: 11 th February 2017
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5.2 Version History

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Version	Date	Reason for Change	Created / Amended by
1.0		Initial Document	
1.1	08/09/06	Changes following consultation	Supt. Stanger
1.2	18/10/06	Changes following internal consultation	DI Foster
1.3	12/10/10	HR Restructure (Job title changes only and fit for purpose review)	Mr I Coombs
2.0	May 2013	To reflect changes resulting from Home Office Circular 11/2012 'Testing Police Officers for Substance Misuse'.	Mr I Coombs
2.0	April 2014	Change in Designation only	Mrs L Tong
2.1	13/11/14	The policy has been reviewed in preparation for NICHE implementation (April 2015), no changes necessary	Policy Co-ordinator (6362)
2.2	3/2/15	Fit for purpose review carried out. 5 th bullet point under 1.1 removed. CIC removed from para 3.5.3	Mrs L Tong
2.3	13/4/16	Amendments made to contact details	Policy Co-ordinator (6362)

5.3 Related Forms

Force Ref. No.	Title / Name	Version No.	Review Date

5.4 Document History

Present Portfolio Holder	Director of Human Resources
Present Document Owner	HR Specialist, Wellbeing & Engagement
Present Owning Department	Human Resources
Details only required for version 1.0 and any major amendment ie 2.0 or 3.0:	
Name of Board:	Professional Standards
Date Approved:	23/04/2013
Chief Officer Approving:	Chief Constable D Simpson

Template version January 2013