

AUDIT AND RISK MANAGEMENT DETERMINATION SUB- COMMITTEE

TUESDAY, 4 OCTOBER 2022 - 2.00 PM



PRESENT: Councillor Mrs M Davis (Chairman), Councillor I Benney, Councillor Mrs J French and Councillor J Mockett

APOLOGIES: Councillor F Yeulett

OFFICERS IN ATTENDANCE: Sam Anthony (Head of HR and OD), Paul Medd (Chief Executive) and Linda Albon (Member Services & Governance Officer)

ARSC6/22 PREVIOUS MINUTES

The minutes of the meeting held 6 June 2022 were agreed subject to the following comment:

- Councillor Benney asked for it be noted that he gave his apologies to the meeting of 6 June, which had not been recorded in the minutes.

ARSC7/22 REVISED DRUGS AND ALCOHOL AT WORK POLICY

Members considered the Revised Drugs and Alcohol at Work Policy presented by Sam Anthony.

Members made comments, asked questions, and received responses as follows:

- Councillor Mrs French said she found this quite concerning as it has only been 2.5 years since the policy was introduced and she asked if there had been any serious problem with alcohol and drugs in the workplace. Sam Anthony replied that there was no problem and only 10 members of staff have been tested in that intervening period. The reason for the review is based on proactivity. Where there has been with cause to test an individual, they have been removed from the workplace for a period of up to 2.5 hours whilst waiting for the testing company to come out and this has impacted on service delivery. This is an interim review and will mean the individual can go back to their workplace as quickly as possible.
- Councillor Benney said if 10 members of staff have been tested in three years then it does not look like it is a policy where we are checking that we have a well workforce that is not working under the influence. He does support that the Council works with staff to help them get over problems because this should not be used as a way of letting people go. If there is a problem, the sooner it is found out, the sooner the person concerned can be helped. He noted that random testing is not in the policy, but in his view this should be done on a regular basis. Testing is undertaken daily in some other businesses. If staff members are working under the influence of drugs or alcohol, that is not good for them or this Council, so getting them help would be the best thing we could do. He asked if there is any proposal to bring in random testing or is it something that was taken out in the consultation period.
- Sam Anthony thanked Councillor Benney and said in response to his first point about supporting staff, when the policy was first implemented, there was a 12-week period where before the policy was enforced, anyone with a particular issue had the opportunity to come forward and receive support and that will remain in place. The Council has an occupational

health service, a strong wellbeing programme and an employee assistance programme, which shows commitment to our staff. Regarding random testing it was part of an initial review, and the suggestion was that it be implemented, however the strong steer from Unison was that they were against it hence it will not be included at this time.

- Councillor Mockett said that the Council works in waste and the waste industry has the highest number of recorded deaths across all sectors so in his view random drugs and alcohol testing should be compulsory. He and his workers are tested weekly in their own line of work and have no choice, and they too have a policy of support.
- Councillor Mrs French asked why Unison were against introducing random testing. Sam Anthony responded that it is a national stance that Unison has taken; they will not support it in any organisation.
- Councillor Mrs Davis said this policy is part of a rolling review of policies and she assumes that is why it has come to the committee now. Perhaps now is the opportunity to start the fingerprint testing; if we start softly then maybe in time the unions will not be so strong in their opinion against random testing. She asked if there is a steer on what other councils are doing. Sam Anthony replied that research with neighbouring authorities and other organisations in the public sector has shown that other councils are not undertaking random testing; that is not to say we will not consider it in the future, but she agrees that the step forward is digital fingerprinting and ensuring we test on day one of employment.
- Councillor Mrs French said she is assuming either line managers or colleagues bring an issue to HR's attention in the first instance. Sam Anthony agreed, but complaints or comments have also been received from members of the public. When there is any concern for with cause, the testing process will be instigated.
- Councillor Benny asked how many of those tests undertaken in the last three years were negative and what support was given to anyone who tested positively. Sam Anthony replied that out of the 10 tests, six were negative. Support was offered to the four individuals who tested positively; they were also referred to the council's disciplinary process and no longer work for the authority.
- Councillor Benney said he can see why Unison has said no to random testing, but this does not protect those that need help. He would not like to see this policy used to beat people down; it should exist to help and support people and in his view as it stands it puts managers in a position that could lead to conflict and accusations of victimisation or could be used as a form of bullying, although he is not suggesting that takes place. In his opinion random testing, which is not specific and not targeted, will take the pressure off managers, and engender better working relations and not having random testing causes more problems than it saves. Sam Anthony agreed that was a good point and suggested it may be prudent to make a recommendation to review the policy in six months if the committee are minded to approve it, with a look to bringing back the conversation about random testing with Unison.
- Councillor Mockett referred to Section 5.2 of the policy and asked why an employee will be suspended for a non-negative result due to alcohol consumption but will be treated differently for drug taking; he would expect the two circumstances to be treated in the same way. Sam Anthony said Councillor Mockett is correct and it would be her expectation that suspension is considered, however from an employment law perspective, suspension is not automatic because it could cause issues, but she will amend that element of the policy to reflect the same as alcohol. Councillor Mockett thanked Sam Anthony.
- Councillor Mrs French said she would be interested to know what the effect has been on the six staff members who received negative test results; has bad feeling or conflict arisen over the fact that they would have been reported? Sam Anthony said her understanding is that there has been no impact but then she has not spoken to the individuals directly to ask; however, it will not have been pleasant for any of them to be removed from duty and sit and wait for the testing or the results. Therefore, the concept of having immediate testing to indicate a positive or negative result would be helpful for individuals in the first instance. Councillor Mrs French said that she thinks it is important that staff receive some form of counselling regardless of a positive or negative test result as it will not be a pleasant experience. Sam Anthony responded that employees could receive free counselling through the employee assistance programme but that

is something that can be reiterated when the revised policy is launched if approved.

- Councillor Benny asked if HR have a debrief with an employee after a test regardless of the outcome. He felt that, particularly in the instance of a negative result, there should be some opportunity for employees to give feedback, state their thoughts and if they felt their testing was unfair. There must be a good reason for testing in the first place and this information can be sought if HR follow up. Sam Anthony agreed that was a good point; pastoral care has been left to managers but the follow up should come from an objective service such as HR. Furthermore, if an employee's behaviour is such that it has led to a test and is negative, then there may be something else happening that HR can pick up on.
- Councillor Mrs French said it is important that the person who reports a staff member for testing, should never be the one to provide the follow up.
- Councillor Mrs Davis summed up and said that the committee will note the report and approve the revised policy with a revision to section 5.2 to include immediate suspension with a positive drug result. The committee will look at the policy again in six months with a view to consider the inclusion of random testing. Councillor Mrs French said she would like it to be made clear that the individual who reports someone should not be the person involved in any form of follow up or counselling. Councillor Mrs Davis confirmed that any testing will be followed up by HR and not department managers. She requested that Sam Anthony circulate the policy again once the revised wording has been updated and Sam Anthony agreed.

Proposed by Councillor Mrs French, seconded by Councillor Benney and Members AGREED to note the report and approve the revised Policy with a revision to section 5.2 to include immediate suspension with a positive drug result and further amended to add that all testing will be followed up by HR.

ARSC8/22 SENIOR MANAGEMENT (CMT) RESTRUCTURE PROPOSALS

Members considered the Senior Management (CMT) Restructure Proposals report presented by Paul Medd.

Members made comments, asked questions and received responses.

Proposed by Councillor Benney, seconded by Councillor Mockett and Members AGREED to note the report and approve the proposed new structure set out in section 7 of the report.

(Members resolved to exclude the public from the meeting for this item of business on the grounds that it involved the disclosure of exempt information as defined in Paragraph 1 of Part 1 of Schedule 12A of the Local Government Act 1972).

ARSC9/22 PREVIOUS MINUTES

The confidential minutes of the meeting held 6 June 2022 were approved and signed.

(Members resolved to exclude the public from the meeting for this item of business on the grounds that it involved the disclosure of exempt information as defined in Paragraph 1 of Part 1 of Schedule 12A of the Local Government Act 1972).