

GWENT POLICE DRUGS, ALCOHOL AND SUBSTANCE MISUSE OR ABUSE TESTING POLICY



Heddlu
Gwent
Police

SUMMARY

'STAFF ARE REMINDED THAT THIS SUMMARY IS STRICTLY AN OVERVIEW OF THE KEY ELEMENTS OF THE DOCUMENT AND FOR A MORE COMPREHENSIVE EXPLANATION THE PROCEDURE TO THIS DOCUMENT SECTION 1.2 SHOULD BE READ'

Gwent Police is committed to supporting and providing rehabilitation for those police officers who voluntarily seek assistance in relation to drugs, alcohol or substance abuse or misuse. Officers, who fail to voluntarily seek assistance and treatment for a problem, refuse to be tested, or who are involved in serious criminal substance abuse will face criminal and/or disciplinary investigation. Targeted substance screening will be employed as part of this strategy. Whilst we will seek to provide support and assistance to those with such problems, Gwent Police does not condone drugs, alcohol or substance abuse or misuse.

The procedure to this policy sets out the process for implementing substance misuse testing within the Police Force and each individual's responsibilities with regards to providing a safe workplace for the public and their colleagues. If a member of staff suspects that a colleague may have a drugs alcohol or substance misuse/abuse problem they should inform their line manager in confidence. This must be done immediately, if the person causing concern is undertaking duties where the misuse/abuse has a direct impact on their duties and poses a risk. 'Covering up' for a colleague is not appropriate as we all have a duty of care to one another. In certain cases failure to report may lead to a misconduct investigation.

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

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1.0 Policy Identification Page

Policy Title: DRUGS ALCHOL OR SUBSTANCE ABUSE OR MISUSE

Reference : 101/11 a issue 1

Underlying Documents: Police Briefing – January 2005

www.policereform.gov.uk.

Policy Ownership: Head of Standards

Portfolio/Business Area Owner: ACPO Operations Support

Policy Written By: Detective Sergeant Standards

Department Responsible: Standards Department

Policy Lead: Head of Standards Department

Links to other Policies and Procedures: Professional Standards Reporting, Staff Monitoring, Information Security, Access to Medical Reports, Sickness Absence, Management of Records Including Disposal and Retention, Freedom of Information, Crime Recording, CHIS, Confidential Contacts, Press and Public Relations, Health and Safety, [Equal Opportunities Policy & Strategy](#), [Employment of Transgender People](#).

Policy Implementation Date: STCG 25th April 2006 ([as amended by PSG 6th February 2007](#))

Policy Review Date: two years from approval

2.0 Policy Statement & Intentions

2.1 Principle & Scope of Policy:

The principle of this policy is to ensure the safety of the public. The scope of the policy will include police officers, special constabulary officers and pre employment testing of police officers and police staff.

The procedure to this policy at section 1.2 will describe the processes and instructions to be adhered to.

Substances will be tested for using saliva or urine samples. A working party set up by the Police Advisory Board for England and Wales is currently in the process of agreeing the protocols, which will clearly state how, when and where samples are to be taken. The protocols, will also set out a clear chain of custody for the sample, so that every stage of the testing process is undertaken in a legally defensible way.

Officers will be tested if they are working in 'safety critical' areas, where even a slight impairment of judgement could have catastrophic consequences. These will include: fire-arms officers, fast-pursuit drivers, Police Search Advisor (POLSA) teams and drug squad officers, who might be particularly vulnerable to malicious allegations of drugs, alcohol or substance abuse or misuse and in future, if applicable, police divers.

Every new recruit, to become a police officer will also be tested as part of the application process and tested at least once more during their probation period. If an individual fails the pre-employment screening test, no offer of employment will be made.

Pre employment testing will also be applicable to Police Staff Posts. As stated above, if an individual fails the pre-employment screening test, no offer of employment will be made. The individual will be informed in writing of the decision.

Police Officers who are successful in their application for specialist posts which fall into safety critical and vulnerable posts are reminded that they will be subject to random testing.

It should be emphasised that it is not a problem for officers to be taking medically approved substances, so long as these are not being misused and the consequences - such as drowsiness - are considered.

For alcohol, officers in safety critical areas will be considered unfit for duty if they are found to have more than 29 micrograms of alcohol in their blood. Impairments have been detected at any level above this limit. By way of comparison, a pint of beer contains about 30 micrograms of alcohol. As a rough guide, the body can safely eliminate 15 micrograms of alcohol per hour. It is clear that officers should not consume alcohol, either immediately before or during duty hours. Firearms officers are reminded of their responsibilities when on call and should complete the required declaration prior to deployment.

Tried and tested

The principal of testing for drugs, alcohol or substance abuse or misuse is already well established in other employment sectors where safety is a critical factor. Road and rail transportation agencies have been testing for some time, as have the armed forces, where, in some cases, 100 per cent blanket testing is taking place. In all cases, the introduction of testing has been found to have a deterrent effect: fewer people involved in drugs, alcohol or substance abuse or misuse as a result of knowing there is a significant risk that they may be caught. Support will be available through Occupational Health to help officers who voluntarily come forward and admit that they have a drugs, alcohol or substance abuse or misuse problem. In these instances, the individual will need to work with their supervisors, be willing to participate in treatment and stick with the treatment until they have recovered and been deemed fit for operational duties. Where recruits, or officers are discovered to be involved in drugs, alcohol or substance abuse or misuse and have not self referred, they will go through the usual disciplinary procedures which, may result in dismissal. The introduction of testing is not due to a lack of trust in the professionalism of officers. It is an active response to maintain public confidence in policing, and to acknowledge a need for accountability in a society in which drugs and alcohol are prevalent.

2.2 Aims of Policy:

To secure the health, safety and welfare of people at work.
Protect people other than those at work against risks to their health and safety arising from work activities.
To ensure confidence and accountability to the community we serve.

3.0 Introduction

3.1 Origins/Background Information

Regulations have been introduced which will allow police officers and potential recruits to be tested for drugs, alcohol or substance abuse or misuse. These regulations have been fully agreed and it has been recognised that a limited form of testing is in the best interests of officers and also in the best interests of the public.

3.2 Motivators/Driving Forces

The safety of the public and of officers in the frontline is paramount. To ensure accountability and confidence the police service is introducing testing for drugs, alcohol or substance abuse or misuse for new recruits and officers in key, safety-critical roles

3.3 The Legal Basis and Legitimate Aims

- Regulation 5 of the Police (Conduct) Regulations 2004
- Police (Conduct)(Senior Officers) Regulations 1999
- Article 3 Inhumane or degrading treatment European Convention of Human Rights
- Article 8 European Convention of Human Rights
- Article 14 European Convention of Human Rights
- Legitimate aim under the Convention: Prevention of crime/Protection of rights and freedoms of others
- Race Relations (Amendment) Act 2000
- Police (Amendment) Regulations 2005

4.0 Implications of the Policy

4.1 Financial Implications

There will be financial implications with the introduction of these procedures.

4.2 Human Resources/Training

HR Department will be responsible for the administration in relation to the arrangement of pre employment testing and the selection procedures for random testing. Standards will be responsible for intelligence lead testing. Line managers will be required to ensure that they closely monitor the performance of staff and their understanding of legislation to ensure that their staff comply accordingly.

4.3 Strategic Plan Links

This policy links to the aims of the Force as set out in the Annual Policing Plan and the Strategic Plan for Gwent Police.

4.4 Diversity

In the application of this procedure consideration must be given to the possible social impact of this procedure on the community. A social impact assessment is

a requirement to ensure all issues are considered. This is also a requirement of the Gwent Police Race Equality Scheme. Social impact assessments must be undertaken before and after the application of this procedure.

Under the Race Relations (Amendment) Act 2000 Gwent Police is required to undertake proactive work to meet the General Duty of :

- Eliminating unlawful racial discrimination;
- Promoting equality of opportunity;
- Promoting good relations between people of different ethnic groups.

The General Duty is outlined in Section 71 (1) of the Act, and must be met in its entirety.

Monitoring must be undertaken to ensure that there is no adverse impact either positive or negative upon any one particular social group or individual. The results of monitoring must be analysed and be available for publication, and appropriate changes made.

All individuals using this procedure must be aware of the potential impact that this procedure has on the individuals to whom it is applied. The following strands of diversity and their corresponding pieces of legislation must be considered when answering these questions.

- Welsh Language Act 1993
- Race – Race Relations Act 1976
- Race Relations Amendment Act 2000.
- Disability - Disability Discrimination Act 2005.
- Gender Sexual Discrimination Act 1975.
- Age- Article 13 Treaty of Amsterdam (2003)
- Sexual Orientation -Treaty of Amsterdam (2003)
- Religion- Article 13 Treaty of Amsterdam (2003)
- Employment Equality (Sexual Orientation) Regulations 2003
- Employment Equality (Religion or Belief) Regulations 2003
- Employment Equality (Age) Regulations 2006

4.5 Consultation

Police Authority

ACPO

Divisional and Departmental Heads

Information Security Officer/Data Protection Officer

Superintendents Association

Police Federation

UNISON

Force Solicitor

Freedom of Information Officer

Gwent Police Women's Association

Gwent Black Police Association

Gwent Disability Network
Gwent Police Gay Support Network

5.0 Human Rights Consideration Certification

5.1 Auditing for potential interference and discrimination

Q1. What articles of the Human Rights Act 1998 may be engaged?

Article 3

Article 5

Article 6

Article 8

Article 9

Article 10

Article 11

Article 14

Q2. Where individual rights are engaged what is the potential to discriminate against the parties involved?

As well as details of the potential to discriminate, the procedure should include a generic statement.

" In the application of this procedure the Force will not discriminate against any persons regardless of sex, race, colour, language, religion, political or other opinion, national or social origin, association with national minority, property, birth or other status as defined under article 14 of the European Convention on Human Rights ".

5.2 Key Human Rights Principles

Q1. What is the legal basis for your procedure?

See section 3.3

Q2. Does the procedure provide details of what could be considered as a legitimate aim for the potential interference with an individual's rights, through the exercising of this procedure? Restrictions on the rights protected in articles 8 - 11 in the Human Rights Act will be compatible with the convention only if they are aimed at protecting one of the interests listed in articles 8(2), 9(2), 10(2) and 11(2) respectively. The interest protected are broadly the same and generally include:

1. National Security
2. Public Safety
3. The protection of health or morals
4. The prevention of disorder or crime; and
5. The protection of the rights of others.

Q3. How are staff made aware of the clearly defined decision making processes?

This is outlined in the Procedure to this policy at section 1.2.

Q4. What are the minimum standards of documentation in relation to decision making?

This is outlined in the Procedure to this policy at section 1.2.

Q5. How does your procedure provide guidance on the justification for assessment and actions as to whether the action is the least intrusive?

This is outlined in the Procedure to this policy at section 1.2.

5.3 Rights, Publication, Audit and Inspection

Q1. Are there any sections of the document which should not be disclosed to the public on the Force Publication Scheme; because they consist of tactical or operational procedures, that would inhibit the apprehension or prosecution of offenders if publicly known, or would compromise the ability of the force to carry out its duties?

This policy can be disclosed to the public.

Q2. What rights to make representation and appeal process are available?

Persons who wish to make representations regarding the operation of this policy will have recourse to civil and criminal law. There is also the right to use both formal, informal and organisational complaints procedures in respect to the operation of this policy.

Q3. What internal review and audit process is in place or is proposed?

This procedure has been drafted in accordance with the principles and rights contained within the Human Rights Act 1998. It will be reviewed and continuously assessed in the light of any relevant changes and developments in the application of the Act.

Q4. What external independent scrutiny is recommended?

Police Authority, HMIC, IPCC scrutiny is recommended

5.4 Certification of Compliance

Consideration has been given to the compatibility of this policy and related policies and procedures with the Human Rights Act; with particular reference to the legal basis of its precepts: the legitimacy of its aims; the justification and proportionality of the actions intended by it; that it is the least intrusive and damaging option necessary to achieve the aims; and that it defines the need to document the relevant decision making process's and outcomes of actions.

5.5 Legal Vetting

**There are no issues in this policy under ECHR which cannot be resolved.
This policy has been vetted**

6.0 Promotion and Distribution

In order to highlight the existence of this policy to staff there will be the following:

General Orders entry .

Publication on the Force Intranet and Internet web sites

Information and guidance will be developed to raise awareness of all staff in respect to their responsibilities.

7.0 Monitoring / Review

The monitoring of the aims of this policy will be the overall responsibility of the Head of Standards. Managers and Supervisors must ensure that processes are monitored within the workplace on a regular basis.

Monitoring systems will be put in place to ensure compliance with this policy. Data will be collected and 'dip sampled' in order to ensure the principles are followed. Data will be analysed to identify any areas for improvement and where problems are highlighted action will be recommended to resolve issues.

The principles of the Race Relations Amendment Act must be adhered to in that any recognisable adverse impact should be identified and appropriate action taken.

The policy can be reviewed annually or as otherwise determined.