
Alcohol and Drugs Policy

HUMAN RESOURCES



Council of the
ISLES OF SCILLY

June 2025

REVISIONS TO SOURCE DOCUMENT

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CONTENTS

Revisions to Source Document	1
1. Introduction	3
2. Who This Policy Applies to	4
3. Confidentiality	4
4. Definition of Key Terms	5
5. Requirements of the Policy	6
Alcohol	6
Drugs and other intoxicating substances	6
Consumption of substances at work	7
Medication	7
Possession and storage of alcohol, drugs and intoxicating substances at work	8
Outside of work	8
Criminal offences	9
6. Support with Substance Abuse	9
7. Individual Responsibility	10
8. Managerial Responsibility	11
8. Council's Responsibility	12
9. Occupational Health Referral	12
10. Testing for alcohol and/or drugs	13
Circumstances for testing	13
Testing process	14
Test results	14
Actions following test results	15
Referral to Regulatory or Professional Registration Body	15
Appendix A: Specific to Air Traffic Control Officers and aviation ancillary duties	17
Appendix B Testing Procedures	18
Testing procedures for all staff members	18
Testing procedures for St Mary's airport	18
Appendix C Support Organisations	21
Within the Council	21
Locally	21
Nationally	21

Commission Regulation (EU) 2015/340
 Railways and Transport Act 2003
 St Mary's Unit Competency Scheme
 Misuse of Drugs Act 1971
 The Road Traffic Act 1988

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1. INTRODUCTION

- 1.1 The Council of the Isles of Scilly has a responsibility to the public to ensure our service delivery is to the highest standard and is not affected by the misuse of alcohol, drugs and/or other substances.
- 1.2 The Council expects staff members to maintain professional standards of conduct and ensure that their behaviour at any time relating to the use of alcohol, drugs or other substances does not damage the reputation of the Council.
- 1.3 Alcohol, drug and/or substance misuse may develop for a variety of reasons and over a long period of time. It is recognised that it can impact on an individual's life and ability to function and carry out work safely and effectively.
- 1.4 The Council primarily treats alcohol, drug and/or substance misuse and dependency as a health issue that requires treatment and help. It also recognises that early identification is more likely to lead to successful treatment.
- 1.5 Use of alcohol, drugs and/or other substances is not, in itself, a disciplinary matter. However normal disciplinary procedures apply where there is a breach of this policy, and where there is misconduct resulting from intoxication (for example, bullying, harassment or damage to property).
- 1.6 The purpose of this Policy is to:
 - Promote awareness of the likely symptoms of misuse of alcohol, drugs and/or other substances, and the potential risks and consequences associated with such misuse.
 - Provide a safe and healthy workplace, without unnecessary risk to staff members or the public.
 - Support the safe and efficient operation of the Council by preventing alcohol, drug or other substance misuse at work.
 - Provide information on how to access confidential support and advice for staff members who experiences problems relating to the misuse of alcohol, drugs or other substances.
 - Promote a culture which encourages staff members with such problems to seek help.
 - Ensure that alcohol, drug or other substance misuse is identified and addressed in a positive and constructive manner which is consistent with the Council's legal responsibilities.
 - Ensure that the Council's approach complies with relevant legislation and regulations, including but not limited to:
 - The [Health and Safety at Work Act 1974](#)
 - [The Misuse of Drugs Act 1971](#)
 - The [Railways and Transport Safety Act 2003](#):
 - Part 4 '[Shipping: Alcohol & Drugs](#)', which is applicable to the professional master of a ship, professional pilot of a ship, professional seafarer of a ship while on duty, and to professional staff off duty "*if in the event of an emergency they would or might be required by the nature or terms of their engagement or employment to take action to protect the safety of passengers*".
 - Part 5 '[Aviation: Alcohol & Drugs](#)' which is applicable to all personnel working in aviation including Air Traffic Control Officers, ATCA's, Air Ground Operators, Fire Service Personnel.
 - [Marine Guidance Notice 590\(M+F\)](#), applicable to all commercial vessel operators.

- The Workboat Code edition 3 <https://www.gov.uk/government/publications/the-workboat-code-edition-3> (Section 4.3, the requirement on the operator to uphold a policy for prevention of alcohol and drug abuse).

2. WHO THIS POLICY APPLIES TO

- 2.1 This policy applies to all employees, volunteers, contractors, consultants and agency staff working on all Council premises or on behalf of the Council irrespective of location. These groups will collectively be referred to as “Staff” throughout this policy.
- 2.2 This policy applies during all working hours and periods of on-call/standby duty for the Council. The policy applies to work conducted at all locations, including remote work and working from home.
- 2.3 Staff members should note that any breaches of this procedure may lead to disciplinary action, up to and including dismissal.
- 2.4 The Council supports an environment of mutual respect and equality of opportunity. In accordance with the Equality Act (2010), this document has been Equality Risk Assessed to ensure all Protected Characteristics are considered. Should a staff member perceive that an adverse impact does exist, it is their responsibility to bring it to the attention of their manager.

3. CONFIDENTIALITY

- 3.1 The Council undertakes to maintain the strictest confidentiality when dealing with issues relating to alcohol, drug and substance misuse, in line with the Data Protection Act 2018, and the Council’s commitments to confidentiality of staff member’s personal data.
- 3.2 Absolute confidentiality cannot be guaranteed in the following circumstances:
 - there is a potential risk of harm to self or others
 - a criminal offence has occurred or may occur e.g. possession or dealing in drugs
- 3.3 If risk of harm or a criminal offence occurs, management will take appropriate action including the informing of relevant authorities e.g. Safeguarding, Police. The consent of the staff member may be sought, however, if this is not forthcoming, such disclosure may be made regardless of consent.
- 3.4 It also needs to be recognised that, in supporting staff, some degree of information sharing may be necessary between relevant managers. This will be kept to the minimum required.

4. DEFINITION OF KEY TERMS

For the purposes of this Policy the following definitions apply:

4.1 Drugs – for the purpose of this policy any reference to drugs will include the following categories:

- Illegal drugs
- Legal substances which harm mental, physical or social functioning and may impact upon an individual's performance or judgement at work, for example:
 - Prescription medicines (for example tranquillisers, anti-depressants, sleeping pills)
 - Over the counter medicines (for example some painkillers, some medicines for cough, colds and indigestion)
 - Steroids (both prescription and non-prescription)
 - Testosterone and growth hormones (HGH)
 - Psychoactive substances (for example solvents, nitrous oxide, glue, and others, sometimes called 'legal highs')

4.2 Intoxicating Substances – substances that affect the way the user's body functions physically, emotionally or mentally and may impair their capability or judgement. This includes, but is not limited to alcohol, solvents, over-the-counter and prescribed medication, legal highs, and illegal substances.

4.3 Laboratory – A testing facility accredited to UKAS 17025 standards where the sample collected is analysed to screen and / or confirm the presence of specific drugs or their metabolite(s).

4.4 Medical Review Officer (MRO) – a trained physician responsible for providing independent and expert scrutiny of non-negative laboratory results generated by an employer's drug testing programme and evaluating medical explanations for the drug test results.

4.5 'Misuse' – personal use of alcohol, prescribed or non-prescribed drugs and other related substances for example solvents, which intermittently or continually interferes with a staff member's conduct, performance or attendance at work.

4.6 Safety-critical – tasks or job roles where the staff member is exposed to situations where there is risk of harm to themselves or others. This includes, but is not limited to:

- Working in a high-risk environment such as:
 - Working at height
 - Working in extreme heat or cold
 - Supervising work in these environments
- Carrying out high-risk activities, such as:
 - Driving
 - Operating Machinery
 - Supervising high-risk activities
- Working with vulnerable adults and/or children, due to the safety and safeguarding risks involved with this work.
- Management of the safety-critical activities

5. REQUIREMENTS OF THE POLICY

ALCOHOL

- 5.1 No member of staff should report for work or standby/on-call duty (or try to report) whilst above the English legal alcohol limit for driving, whether or not they need to drive. This limit is:

- 35 micrograms (μg) of alcohol per 100 millilitres (ml) of breath
- 80 milligrams (mg) of alcohol per 100ml of blood
- 107 milligrams (mg) of alcohol per 100ml of urine.

Further information about the UK drink/drive limit including how to ensure you stay under the limit can be found here [The drink drive limit - GOV.UK \(www.gov.uk\)](https://www.gov.uk/the-drink-drive-limit) and here [Drink driving and the legal alcohol limit | Drinkaware](https://www.drinkaware.co.uk/) .

- 5.2 Staff members working as a professional master, pilot or seafarer on a ship, and also those who are off duty but who may be required by the nature or terms of their employment to take action to protect the safety of passengers, must ensure that they are under the limit of alcohol prescribed by Marine Guidance Notice 590(M+F):

- 25 micrograms (μg) of alcohol in 100ml of breath
- 50 milligrams (mg) of alcohol in 100 ml of blood
- 67 milligrams (mg) of alcohol in 100 ml of urine.

- 5.3 Staff members working as Air Traffic Control Officers (ATCO), Air Traffic Control Assistants (ATCA's) and Air Ground Operators must ensure that they are under the limit of alcohol prescribed by the Railways and Transport Safety Act 2003:

- 9 micrograms (μg) of alcohol in 100ml of breath
- 20 milligrams (mg) of alcohol in 100 ml of blood
- 27 milligrams (mg) of alcohol in 100 ml of urine.

- 5.4 The Council reserves the right to carry out a risk assessment to determine fitness for work if a staff member is found to have any level recorded between 0 and the above levels. This will lead to further discussion to determine an appropriate course of action in each case.

- 5.5 Staff must bear in mind that alcohol can continue to be present in the body for several hours after drinking. Individuals are responsible for ensuring that they are not above the limit set out above, at any time whilst working or on standby/on-call duty for the Council.

DRUGS AND OTHER INTOXICATING SUBSTANCES

- 5.6 No member of staff should report for work or standby/on-call duty (or try to report) whilst under the influence of drugs or intoxicating substances (as defined at 4.1 and 4.2 above).

- 5.7 It is a criminal offence under the Road Traffic Act (Section 5A) to drive:

- Having recently used illegal drugs, even if driving ability has not been noticeably affected, or
- If legal drugs affect safe driving, or
- If drugs are taken above the prescribed or recommended doses, or
- If the driver is taking certain prescribed sedatives or painkillers which have not been prescribed to them personally.

The Council applies these same standards to all members of staff during working hours and for periods of standby/on-call duty.

- 5.8 Staff must bear in mind that the effects of drugs on the body can continue for several hours after use. Individuals are responsible for ensuring that they are not under the influence of drugs or intoxicating substances at any time whilst working or on standby/on-call duty for the Council.

CONSUMPTION OF SUBSTANCES AT WORK

- 5.9 Staff must not consume any alcohol, drugs or intoxicating substances during their working hours. This includes social or other gatherings during working hours, arranged as part of your work for the Council.
- 5.10 Staff who are on standby/on-call duty:
- Must not consume any drugs or intoxicating substances
 - Must ensure their alcohol consumption is limited such that they remain under the legal limit for driving at all times throughout their standby/on-call periods

MEDICATION

- 5.11 Medication taken in accordance with professional advice or for justifiable medical reasons and in accordance with recommended dosages and the information accompanying the medication, is acceptable provided that it does not harm mental, physical or social functioning so as to impact upon an individual's performance or judgement at work.
- 5.12 No member of staff should undertake safety-critical tasks if taking prescribed or non-prescribed medication that has the potential to affect their ability to work safely, without first informing their manager or supervisor.
- 5.13 The individual must inform their manager before reporting for work, so that a risk assessment can be undertaken and actions put in place to remove/reduce risks. This may require advice from HR and/or Occupational Health.
- 5.14 Staff members who work as the professional master, pilot or seafarer of a ship, or those who are off duty but required by the nature and terms of their employment to protect passengers in the event of an emergency, must adhere to the requirements of Marine Guidance Notice 296 which covers prescription and over-the-counter medications.
- 5.15 In the case of St Mary's Airport, a list of common medications and how they can affect the medical certificate for Air Traffic Control Officers (ATCO) and others performing ancillary aviation duties can be found at **Appendix A**.

Although this list has been compiled specifically for ATCOs, it is a useful resource for all staff members to gauge the possible impact of medications.

- 5.16 Medication taken for non-medical reasons or in contravention of recommended dosages and the information accompanying the medication, or medication taken that was prescribed for another person, would not be acceptable because of the implications for the staff member's fitness for work and the associated risks.

POSSESSION AND STORAGE OF ALCOHOL, DRUGS AND INTOXICATING SUBSTANCES AT WORK

- 5.17 Possession, storage and/or trading of alcohol, drugs and intoxicating substances on work premises is not permitted and may result in disciplinary action. The only exceptions to this are:
- Storage of chemicals stored under Control of Substances Hazardous to Health (COSHH) regulations 2002 (as amended) for the purposes of Council operations.
 - Possession of alcohol as part of personal groceries purchased by Council staff on breaks or at lunchtime. Any such alcohol must be kept in closed sealed containers whilst on Council premises and removed from Council premises on the day of purchase, for example when going home at the end of the working day.

OUTSIDE OF WORK

Off-duty work-related social events

- 5.18 This section of the policy applies to off-duty work-related social events, taking place outside staff member's working hours for the Council. These are social events which have either been arranged by the Council or which are otherwise work-related. For example:
- Team Christmas parties,
 - Council award ceremonies,
 - Team lunches
 - Drinking with colleagues in the pub after a meeting or drill night
 - Meals/outings following a training course, and
 - Any other work-related social event.

These events could be held in public places such as a pub, restaurant or beach, and events held in more private venues such as council buildings, conference rooms or training centres.

- 5.19 During off-duty social events where alcohol is being served or consumed, work uniform and/or identification must not be worn or must be covered.
- 5.20 If the staff member chooses to drink alcohol, they should avoid excessive drinking at the work-related event. High profile cases in the UK in recent years indicate that alcohol consumption at work-related functions can give rise to various forms of unlawful harassment, for example unwanted conduct of a sexual nature and use of racial slurs.
- 5.21 Employers have a duty to take reasonable steps to prevent harassment and, on this basis, the Council encourages staff members to avoid excessive consumption of alcohol at all work-related events.

Other conduct outside work

- 5.22 Staff members conduct outside work is in most circumstances a matter for themselves and not connected to their employment.

- 5.23 However, staff members should be aware that in certain circumstances, the Council's disciplinary procedures may apply to alcohol and drugs-related behaviour outside work. This is specifically where the staff members conduct:
- negatively affects their own behaviour or performance at work, and/or
 - has caused damage, or has the potential to cause damage, to working relationships with colleagues, and/or
 - has caused damage, or has the potential to cause damage to public confidence in the Council's services (for example if an employee in a safety critical role is seen taking drugs in public), and/or
 - has brought, or has the potential to bring, the Council into disrepute.

CRIMINAL OFFENCES

- 5.24 Any suspected criminal offences in relation to alcohol, drugs and intoxicating substances will be reported to the Police. For example, drink driving, driving whilst under the influence of drugs and activities involving illegal drugs.
- 5.25 Any member of staff involved in Court proceedings arising from a substance misuse-related offence must report the matter immediately to their manager or supervisor.
- 5.26 Consideration may be given to the staff member's suitability for their role in the event of being charged with, or convicted of, a criminal offence related to alcohol or drugs misuse.

6. SUPPORT WITH SUBSTANCE ABUSE

- 6.1 Signs of alcohol, drugs or other substance misuse include:

- Sudden mood changes
- Unusual irritability or aggression
- Mental health issues
- A tendency to become confused
- Abnormal fluctuations in concentration and energy
- Impaired job performance
- Poor time-keeping
- Increased short-term sickness absences
- A deterioration in relationships with colleagues, service users or managers
- Dishonesty and theft (arising from the need to maintain an expensive habit).

However, all of the above signs can be caused by other factors, and should only be regarded as indications that an employee may be misusing alcohol, drugs or other substances.

- 6.2 Where a staff member discloses to the Council that their personal use of alcohol or drugs is problematic (whether or not it impacts upon their attendance, conduct or performance at work), the Council will offer support to the staff member. This may include, for example:
- Regular line manager 1:1's
 - A referral to Occupational Health
 - Support via the Council's EAP service, such as counselling
 - Signposting to WithYou (formerly 'Addaction') and other relevant groups to support their recovery (**Appendix C**).

- 6.3 A risk assessment will usually be carried out to determine whether the member of staff can safely continue with their normal duties during the period of recovery, taking into account medical advice. If normal duties cannot safely be continued, the member of staff may be temporarily required to undertake non-safety critical duties, or to take sick leave while working towards recovery.
- 6.4 Addiction to or dependency upon medically prescribed drugs may be a disability under the Equality Act 2010; the Council is committed to its duty to make reasonable adjustments at work in such circumstances. However, an addiction to alcohol, drugs or other non-prescribed substances is not a disability under the Act.
- 6.5 WithYou (formerly Addaction) is a national drug and alcohol treatment charity that works with 50,000 people in 120 locations across Scotland and England including the Isles of Scilly.

Services are delivered by teams of experienced, dedicated and committed individuals with expertise in providing drug and alcohol interventions and supporting people to change their lives. For further information and contact details, please see **Appendix C**.

WithYou is working in partnership with the Council of the Isles of Scilly and Community Safety Partnership to offer islanders extra support to reduce the amount of alcohol they consume.

7. INDIVIDUAL RESPONSIBILITY

All staff members are required to ensure that:

- 7.1 They are aware of and comply with all requirements of this policy. A breach of this Policy by a member of staff may result in disciplinary action up to and including dismissal.
- 7.2 They comply with their individual responsibilities under the Health and Safety at Work Act 1974, to take reasonable care of themselves and others who could be affected by what they do. Employees could be liable to charges under the Act if their alcohol consumption or drug use puts the safety of others at risk.
- 7.3 Report for work in a fit and safe condition in line with the requirements of this policy, and remain so throughout their working hours, during all periods of standby/on-call duty, and during breaks. All staff members must give due regard to dispersal times of any alcohol, drug or other substances prior to reporting for work – guidance on this is available from Drink Aware [here](#).
- 7.4 They advise their managers if they believe they have an alcohol, drug or substance misuse problem that may potentially affect their capacity to carry out their work safely and effectively.
- 7.5 Ascertain if prescribed or over-the-counter medicines or self-medication they are taking could impair their ability to carry out their work safely and effectively, and advise their managers before any work or standby duty is undertaken. When appropriate, provide confirmation from their doctor as to any possible side effects.
- 7.6 Where they have reasonable cause to believe that the performance of another staff member is impaired by reason of alcohol, drug or substance misuse consumption or dependency, such concerns must be brought immediately to the attention of a manager, or outside the line management chain in accordance with the Council's Whistle blowing Procedure.

It is particularly important to report breaches of this policy which could give rise to health and safety concerns. Failure to report such breaches may be grounds for disciplinary action, up to and including dismissal.

- 7.7 Whilst they are wearing a Council uniform or part of the uniform sufficient to be recognised as working for the Council they do not consume alcohol or drugs.
- 7.8 They are not in possession of or do not consume alcohol, drugs or misuse substances whilst attending any training courses arranged/paid for by the Council or while on duty or during breaks on Council premises. It is understood that staff members who are away on residential courses may in their free time, in the evening, consume alcohol. It should be noted that staff members are still representing the Council and will need to conduct themselves appropriately.
- 7.9 They comply with any advice to refrain from consuming alcohol when taking medication prescribed by a health professional or that purchased from a pharmacy, over-the-counter medicines or self-medication whilst on duty or on-call.

8. MANAGERIAL RESPONSIBILITY

Management will ensure that so far as is reasonably practicable:

- 8.1 A safe working environment is provided for all staff members.
- 8.2 This procedure is applied fairly and consistently in a manner that is transparent to all staff.
- 8.3 When a staff member is suspected to be dependent on alcohol and/or drug and/or substance misuse any necessary management action will be taken and support will be provided whenever appropriate.
- 8.4 Members of staff under their supervision are aware of and understand this Policy.
- 8.5 Managers will take all reasonably practicable steps to recognise impaired workplace performance or behaviour likely to be caused by the misuse of alcohol, drugs or intoxicating substances.
- 8.6 Managers will not allow any staff member, whatever their role, to continue working or standby/on-call duties if they suspect that the staff member is:
 - over the legal alcohol limit for driving
 - under the influence of drugs or intoxicating substances
 - over the applicable legal limit for working in aviation or marine operations (as set out in section 5 of this policy)

If a manager knowingly allows a staff member under the influence of alcohol or drugs (in breach of this policy) to continue working, and this places others at risk, this could create non-compliance with legal responsibilities under the Health and Safety at Work Act 1974 and lead to prosecution under the Act for the manager and/or the Council.

For this reason, in these circumstances, the manager should immediately place the staff member on precautionary medical suspension (on full pay). The purpose of this is to manage risks to health and safety, service delivery and the reputation of the Council, whilst other actions are carried out.

Other actions to be carried out may include arranging for the staff member to be tested for alcohol/drugs, seeking the staff members consent for a referral to Occupational Health, conducting a prompt and thorough investigation, and/or provision of support to the staff member themselves and any other staff member who has been affected by their actions.

- 8.7 Where a staff member, service user or any other person raises a concern about alcohol or drug related issues, whether under the Whistleblowing procedure or not, the Council will ensure that they can raise such concerns without being subjected to detriment, and without fear of retaliation for making the disclosure. The manager should ensure that a prompt and thorough investigation is carried out into the concerns raised.
- 8.8 Managers should neither seek to, nor be expected to, diagnose drug or alcohol dependency or abuse, or to recommend treatment. Only those medically qualified to do so should make an assessment. Managers should seek advice from HR and/or Health, Safety and Wellbeing as needed.
- 8.9 Members of staff are supported and encouraged to ask for advice and help in respect of problems arising from substance misuse.

9. COUNCIL'S RESPONSIBILITY

The Council will ensure that so far as is reasonably practicable:

- 9.1 This policy is communicated to all staff.
- 9.2 Information, instruction and training is given to staff members to cover:
 - Awareness of the Policy and its application.
 - The effects substances and alcohol can have on a user's health and ability to work safely and how to reduce harm related to substance misuse.
 - How and where to seek help if you are concerned about substance misuse for yourself or others.
- 9.3 That managers receive drug and alcohol awareness training and information about how staff can be supported through any issues, including how best to support staff that are working regularly from home or in remote locations.

10. OCCUPATIONAL HEALTH REFERRAL

- 10.1 Where potential alcohol, drug or substance misuse is identified, the intention is to assist the member of staff to achieve a safe return to work on full duties appropriate to their role. In this situation, an Occupational Health referral may be made, if the staff member provides consent for this.
- 10.2 Occupational Health may recommend measures to support the person's recovery, to ensure safe working practices (for example a restriction on safety-critical duties), or advise that the person is not fit for work and must remain on sickness absence.
- 10.3 The Occupational Health Physician may, with the staff member's consent, instruct an independent testing organisation (SYNLAB Laboratory Services Ltd, No. 2144, [Accredited](#)

[Laboratory - Drug & Alcohol Testing Accredited Laboratory \(synlab.co.uk\)](https://synlab.co.uk) to facilitate breath, urine, hair and/or blood testing as required to inform their determination of fitness to work. This may also inform a support plan provided by Occupational Health.

11. TESTING FOR ALCOHOL AND/OR DRUGS

CIRCUMSTANCES FOR TESTING

All alcohol and drug tests are conditional upon the employee's consent to such tests. No test will be conducted without the employee's express consent in writing.

Test procedures will be carried out in line with the Human Rights Act 1998, the General Data Protection Regulations (GDPR), the Data Protection Act 2018 and the Equality Act 2010.

Circumstances for testing for alcohol and/or drugs are below. All testing will be conducted using the Testing Procedure at Appendix B, by persons who have received the required training from Synlab, and conducted in line with the Synlab testing process covered during the training.

11.1 With Cause testing

Where there is reasonable cause to believe the staff member is not adhering to the standards set out in paragraph 7.

This is applicable to all occupational groups within the Council. Examples of circumstances where this may be appropriate are:

- Obvious signs of mental and/or physical impairment
- Recognition by managers or colleagues of symptoms affecting work performance.
- Irregular attendance at work/absence from duty.
- A complaint from a member of the public that a staff member whilst working or on standby/on-call duty was under the influence of alcohol, drugs or other substances.
- The discovery of items in the possession of a staff member that could indicate their involvement in illicit drug taking, alcohol abuse or other substance misuse.

In this circumstance, an initial test will be instigated as soon as is reasonably possible.

11.2 Post Accident testing

This will be undertaken where there is reasonable cause to believe that a staff member is not adhering to the standards set out at paragraph 7 above and has been involved in a serious accident or a dangerous occurrence, i.e., causing or having the potential to cause serious injury, loss of life or major damage to vehicles and/or property (near miss).

11.3 Recovery and follow-up testing

If a staff member has had a non-negative test result following a With Cause test, or Post Accident test, the Council may seek consent to retest the staff member at appropriate intervals, some of which may be unannounced, up to a maximum of 24 months following the test result. These tests will be used to monitor progress during and following recovery. Decisions

regarding frequency and timing of follow-up testing would be made on the basis of a risk assessment, and must be approved by a Senior Manager.

TESTING PROCESS

- 11.4 Testing is a process when a sample is collected with the specific aim of determining whether alcohol, drugs and/or other substances may be present in the body.
- 11.5 Alcohol, drug and/or substance misuse testing will be carried out only by qualified and competent personnel who will use accepted and reliable methods and ensure that tests are carried out with the least possible intrusion into the individual's privacy. All possible measures will be put in place to ensure confidentiality of test results and checks will take place to avoid any false results. Testing will take place in a sanitary and private testing location, away from others.
- 11.6 When screened for alcohol and/or drugs, tests will check if levels exceed the levels set out in this policy. A list of drugs and other substances that will be tested for will be shown to the staff member prior to testing.
- 11.7 All members of staff have the potential to be tested, whether based on the islands or on the mainland.
- 11.8 Refusal to take a test may lead to an investigation that could result in disciplinary action. Refusal to undergo a test means that it will not be possible to exclude that the staff member is under the influence of drug or alcohol at the time of requiring a test. Refusal to take a test includes, but is not limited to:
- Failure to consent to a test.
 - Failure to cooperate with any part of the testing process.
 - Failure to appear for testing at a collection site at the time allotted.
 - Leaving the scene of an incident in which a serious injury or fatality has occurred, without just cause and without submitting to a test.
- 11.9 Staff members required to provide a sample may request the presence of an internal independent witness throughout the procedure. However, the absence of such a person at the time of the test will not be allowed to halt the test.

Further details about the testing process can be found in Appendix B and all relevant information and consent forms can be found in the Employee Handbook here: [Y:\Employee Handbook\Policies\Alcohol and Drug Policy\Consent Forms and Documentation](#)

TEST RESULTS

11.10 Alcohol

A positive alcohol test result will be recorded if alcohol is detected in the donor's breath sample at above the levels set out in paragraph 5.1 of this policy (and paragraph 5.2 for marine operations and 5.3 for air traffic controllers).

Staff will be in breach of this Policy if they receive a positive alcohol test result.

11.11 Drugs

A laboratory confirmed non-negative drug test result will be recorded if a drug is detected in the donor's sample for which no legitimate explanation, medical or otherwise, can be found after review by the MRO.

It is the MRO who deems that a non-negative drug test is positive after a review of all the available evidence from the staff member and laboratory.

Staff will be in breach of this Policy if they receive an MRO confirmed positive drug test result.

- 11.12 An individual has the right to appeal test results by writing to Human Resources, within 5 working days of receipt of the test results, clearly outlining the grounds for appeal.

ACTIONS FOLLOWING TEST RESULTS

- 11.12 If tested non-negative whilst at work, the staff member will be placed on precautionary suspension whilst laboratory tests results are awaited which may confirm a positive test result. Managers should offer staff transport home to avoid them driving whilst under the influence of drugs or alcohol.
- 11.13 A member of staff will be considered to be unfit for duty through the misuse of alcohol, drugs or other substances if a positive test result is recorded after review by the MRO.
- 11.14 In the event of a positive test result, the staff member will be invited to attend a fact-finding or investigatory meeting. Employees will have the right to be accompanied by a colleague or trade union official.
- 11.15 Actions taken as a result of the detection of problematic use of psychoactive substances at work, as described in this section of the policy, may also be appealed by the employee. The appeal should be submitted in writing to Human Resources within 5 working days of the action taken, setting out the grounds of appeal. The Appeal will be considered by a senior manager in the service or an independent manager with no prior involvement with the case as soon as reasonably practicable and will include a meeting with the employee, with a written outcome provided to the employee within 5 working days of the meeting. The employee may be accompanied at the meeting by a colleague or trade union representative if they wish. Appeals against Disciplinary action must be made using the appeals process set out in the Disciplinary Policy.

REFERRAL TO REGULATORY OR PROFESSIONAL REGISTRATION BODY

- 11.15 A confirmed positive result may be reported to the relevant Professional Body such as the Health Care Professionals Council, Care Quality Commission or other relevant Professional Body.
- 11.16 If a member of staff holds a vocational driving licence, then the Council has an obligation to inform the Council's Operator licence holder, who will then make a decision as to whether the Traffic Commissioner needs to be informed following an

investigation and following a formal hearing under the Council's disciplinary policies and procedure.

- 11.17 In case of Air Traffic Control Officers and ancillary aviation function staff being found over the prescribed limits through Police investigation, this will also be reported to the Medical Department of UK Civil Aviation Authority for aviation licence holders.

It should be noted that St Mary's Airport and The Council of the Isles of Scilly have no power to reinstate Civil Aviation Authority or Fire Fighter Medical Certificates.

APPENDIX A: SPECIFIC TO AIR TRAFFIC CONTROL OFFICERS AND AVIATION ANCILLARY DUTIES

- All staff should be aware that any tranquilliser, anti-depressants and sedatives, together with the underlying condition for which these medications have been prescribed, will almost certainly mean that the mental state of an Air Traffic Control Officer (ATCO) is not compatible with the safe exercise of the privileges of the licence.
- Coffee and caffeinated drinks in moderation are acceptable, however other stimulants including caffeine pills, amphetamines, etc. (often known as 'pep pills') used to maintain wakefulness or suppress appetite can be habit forming.
- Susceptibility to different stimulants varies from one individual to another, and all may cause dangerous over confidence. Overdosage causes headaches, dizziness and mental disturbance. These other stimulants will not be used.
- Any member of staff who have queries or concerns regarding their prescribed medication should contact their GP, Civil Aviation Authority Aeromedical Examiner (AME) or Medical Assessor, as applicable.
- It should be noted that any ATCO with a mental or behavioural disorder due to alcohol or other use or misuse of psychoactive substances (i.e., Psychoactive substance means alcohol, opioids, cannabinoids, sedatives and hypnotics, cocaine, other psychostimulants, hallucinogens, and volatile solvents, whereas caffeine and tobacco are excluded), including recreational substances with or without dependency, shall be assessed as unfit by their AME until after a period of documented sobriety or freedom from psychoactive substance use or misuse and subject to a satisfactory psychiatric evaluation after successful treatment.
- In the case detection of problematic use of psychoactive substances by an air traffic controller, notification to the CAA Medical department will also be made.
- Staff members are advised to read the details of the medication they are taking to assess the effects this will have on their ability to carry out their duties at work.
- Depending on the nature of the staff member's duties, medical advice may be sought from the Council's Occupational Health Physician about their fitness to perform their normal duties.

APPENDIX B TESTING PROCEDURES

TESTING PROCEDURES FOR ALL STAFF MEMBERS

- **Testing for alcohol** will be undertaken by trained Council personnel (see 11.5) using a Home Office type approved breath analyser, which is calibrated and provided by the Council's appointed independent testing provider (SYNLAB Laboratory Services Ltd.). The staff member will be asked to provide a breath sample for analysis of their blood alcohol level by blowing into a calibrated breath testing instrument that will record and print an evidential result.
- **Testing for drugs** will be carried out by trained Council personnel from a sample of urine collected using a strict "chain of custody" procedure. This process involves, the staff member providing a sample in visual and auditory privacy, under supervision, of the trained Council tester signing to confirm the authenticity of the sample, the sample is then sent securely to a testing laboratory for analysis. This protects the safety, health and confidentiality and dignity of the individual and is fully defensible in a court of law.
- The training for Council personnel who will conduct testing for alcohol and drugs is provided by the Council's appointed independent testing provider (SYNLAB Laboratory Services Ltd.) and includes Drug and Alcohol Sample Collection Procedures including Instruction on the Dräger and Lion Breathalyser, SYNLAB Rapid, Oral Fluid Safeguard Screening Device and Oral Fluid Chain of Custody Kit, SYNCUP 10 and Urine Chain of Custody Kit. A Synlab Certificate of Training is required for any manager conducting the testing, which has been certified by Synlab Laboratory Services to confirm their competence to conduct the tests.
- Further details of the chain of custody procedure for urine, saliva and breathalyser samples can be found in the Employee Handbook.
- Before a sample is taken the staff member will be given the opportunity to declare to the testing provider any medication that they may have taken or administered. This must be declared at this stage as, if not, it cannot be taken into account in the test.
- The staff member will be notified of the test result including details of any positive result and given a copy of the certification.
- When the result of a test is non-negative the result will be reviewed by the MRO to consider the likely cause of the positive result and rule out any legitimate cause for the non-negative result before declaring a positive result.

TESTING PROCEDURES FOR ST MARY'S AIRPORT

If a staff member is suspected to be under the influence of alcohol the Police will be informed and a sample of breath will be taken.

'With cause' testing (eg. if employees are suspected of being at reduced competence due to psychoactive substances) for staff based at St Mary's Airport will be carried out by St Mary's Airport Manager, Deputy Airport Manager or other qualified and competent testers (for example managers from other parts of the Council in accordance with 11.5), who will attend skills maintenance retraining for their breathalysing duties on a three yearly basis with Synlab. Synlab will assess the relevant staff to

ensure competence in breathalyser duties prior to conducting any tests. Strict 'chain of custody requirements' will be maintained using the Council's own calibrated breathalyser, provided by SYNLAB Laboratory Services Ltd, following the manufacturer's instructions.

While this reading is not evidential it may be used to inform what steps HR and Occupational Health choose to take next. If the reading is above the prescribed limit the staff member will be declared provisionally unable and suspended from duty and the police may be contacted for further evidentiary testing.

Note; St Mary's Airport reserves the right to test any employee, with minimal warning if suspected of being at reduced competence due to psychoactive substances.

If any staff member is suspected of being under the influence of an illegal substance whilst on duty, the staff member will be declared provisionally unable and the police informed.

The police will carry out their own testing as in accordance with the Railways & Transport Act 2003 following their chain of custody, with positive results referred to the Regulator for consideration of possible prosecution or licencing action.

The prescribed limit for alcohol shall be as stated in Section 93 of the Railways and Transport Act 2003:

93 Prescribed Limit

- (1) A person commits an offence if—
 - (a) he performs an aviation function at a time when the proportion of alcohol in his breath, blood or urine exceeds the prescribed limit, or
 - (b) he carries out an activity which is ancillary to an aviation function at a time when the proportion of alcohol in his breath, blood or urine exceeds the prescribed limit.
- (2) The prescribed limit of alcohol is (subject to subsection (3))—
 - (a) in the case of breath, 9 microgrammes of alcohol in 100 millilitres,
 - (b) in the case of blood, 20 milligrammes of alcohol in 100 millilitres, and
 - (c) in the case of urine, 27 milligrammes of alcohol in 100 millilitres.
- (3) In relation to the aviation function specified in section 94(1)(h) the prescribed limit is—
 - (a) in the case of breath, 35 microgrammes of alcohol in 100 millilitres,
 - (b) in the case of blood, 80 milligrammes of alcohol in 100 millilitres, and
 - (c) in the case of urine, 107 milligrammes of alcohol in 100 millilitres.
- (4) The Secretary of State may make regulations amending subsection (2) or (3).
- (5) Section 94 defines "aviation function" and "ancillary activity" for the purposes of this Part

For clarity, when:

- acting as a pilot, cabin crew, flight engineer, flight navigator or flight radio-telephony operator of an aircraft during flight;
- attending the flight deck of an aircraft during flight to give or supervise training, to administer a test, to observe a period of practice or to monitor or record the gaining of experience; or
- acting as an air traffic controller in pursuance of a licence granted under or by virtue of an enactment (other than a licence granted to a student):

The prescribed limit of alcohol is:

- a. In the case of breath: 9 microgrammes of alcohol in 100 millilitres.
- b. In the case of blood: 20 milligrammes of alcohol in 100 millilitres.
- c. In the case of urine: 27 milligrammes of alcohol in 100 millilitres.

This means that the above limits apply to **Air Traffic Control Officers, Air Traffic Control Assistants** and **Air Ground Operators** employed at St Mary's Airport.

If the staff member is employed by anyone other than the Council of the Isles of Scilly, they will be asked to leave the premises and their employer contacted to ensure that that member of staff is tested or that they provide some other assurance that the worker is competent and fit to work at the St. Mary's Airport.

St Mary's Airport has a duty of care to its staff members and all passengers who transit the aerodrome, therefore, those staff members who are suspected of reduced competence whilst at work, due to drug or alcohol misuse will be immediately suspended and the Police requested to attend, on full pay and referred to the Council's Occupational Health Physician for medical determination of fitness to work.

If the member of staff is an Air Traffic Control Officer they will be declared unfit for work through 'provisionally inability' in accordance with the procedure laid out in the St Mary's Unit Competency Scheme. Positive results will result in the CAA Medical Branch/Aeromedical Examiner being informed.

APPENDIX C SUPPORT ORGANISATIONS

WITHIN THE COUNCIL

- Staff are encouraged to talk to their line manager, supervisor, Human Resources department and Occupational Health department. The information will be treated sensitively.
- Employee Assistance Programme (EAP) - Employees can access the EAP by calling 0800 174319 or [Care First - Carefirst \(care-first.co.uk\)](https://care-first.co.uk) - Username: **cis001** Password: **illy1234**. All of the telephone and web services are available 24 hours a day, 365 days a year.
- Council staff who are trained as Mental Health First Aiders can also be contacted as a first step.

LOCALLY

- GP- Your GP is your first port of call for alcohol problems. They will be able to provide confidential advice and refer you for extra support.
- WithYou (formerly Addaction): To get in touch with WithYou Cornwall, please call 0333 2000 325 or visit [Drug and Alcohol Support for Adults in Cornwall | WithYou \(wearewithyou.org.uk\)](https://www.wearewithyou.org.uk)

NATIONALLY

You can also find support remotely:

- **Drinkline**, a free, confidential helpline for people who are concerned about their drinking, or someone else's. Call 0300 123 1110 (weekdays 9am–8pm, weekends 11am–4pm)
- **Alcoholics Anonymous**, whose helpline is open 24/7 on 0800 9177 650. If you would prefer, you can also email them at help@aamail.org or live chat via their website at www.alcoholics-anonymous.org.uk.
- You can join a **SMART Recovery** meeting online [here](#). SMART holds both face-to-face and online meetings which support people in managing harmful addictive behaviour. The SMART Recovery Programme helps individuals and family members of those who are struggling. They also have women's only meetings and those specifically for members of the LGBTQ+ community.
- **Al-Anon** which offers support and understanding to the families and friends of dependent drinkers. You can call their confidential helpline on 0800 0086 811 (open 10am-10pm). There are lots more resources for families and friends [here](#).
- **Nacoa** support anyone affected by their parent(s) drinking, including adults. Here are [some of the questions](#) that children often ask about alcohol and the effects on them and their family. For more information, visit nacoa.org.uk, call **0800 358 3456** or email helpline@nacoa.org.uk. You can also find them on [Facebook](#) and [X \(formerly Twitter\)](#).

- If you are looking for **urgent support** please contact the Samaritans, who are available 24/7 on 116 123 or jo@samaritans.org.
- [Alcohol Concern](#)-National charity working to help reduce problems caused by alcohol
- Drinkaware-An independent UK-wide alcohol education charity, which works with others to help reduce alcohol-related harm by helping people make better choices about their drinking.
- [FRANK \(Talk to Frank\)](#)-FRANK offers confidential support and advice on drugs.