



<b>Title of Report:</b>	<b>ODHR Policies and Procedures</b>
<b>Committee Report Submitted To:</b>	<b>Corporate Policy and Resources Committee</b>
<b>Date of Meeting:</b>	<b>27 February 2024</b>
<b>For Decision or For Information</b>	<b>For Decision</b>
<b>To be discussed In Committee YES/NO</b>	<b>N/A</b>

<b>Linkage to Council Strategy (2021-25)</b>	
Strategic Theme	Innovation and Transformation
Outcome	Improve Service Delivery
Lead Officer	Director of Corporate Services

<b>Budgetary Considerations</b>	
Cost of Proposal	n/a
Included in Current Year Estimates	n/a
Capital/Revenue	n/a
Code	n/a
Staffing Costs	n/a

<b>Legal Considerations</b>	
Input of Legal Services Required	<b>YES/NO</b>
Legal Opinion Obtained	<b>YES/NO</b>

<b>Screening Requirements</b>	Required for new or revised Policies, Plans, Strategies or Service Delivery Proposals.		
Section 75 Screening	Screening Completed:	Yes/No	Completed
	EQIA Required and Completed:	Yes/No	N/A
Rural Needs Assessment (RNA)	Screening Completed	Yes/No	Date:
	RNA Required and Completed:	Yes/No	Date:
Data Protection Impact Assessment (DPIA)	Screening Completed:	Yes/No	N/A
	DPIA Required and Completed:	Yes/No	N/A

## **1.0 Purpose of Report**

The purpose of this report is to present Council with 3 policies and procedures for consideration:

- Self-Disclosure and Employment of People with Convictions Policy (Appendix 1)
- Alcohol, Drugs and Substance Use Policy (Appendix 2)
- Time and Recording Policy (Appendix 3)

## **2.0 Background**

### **Self-Disclosure and Employment of People with Convictions Policy**

- 2.1 Causeway Coast and Glens Borough Council (CCGBC) are committed to providing equality of opportunity to all applicants for employment, including those with criminal convictions.
- 2.2 Some convictions are protected under the Rehabilitation of Offenders (Northern Ireland) Order 1978. The Rehabilitation of Offenders Order enables certain criminal convictions to become 'spent' after period of time known as the rehabilitation period. When the rehabilitation period has passed, an ex-offender has no legal obligation to declare their conviction when applying for a job.
- 2.3 The Rehabilitation of Offenders (Exceptions) Order (Northern Ireland) 1979 details 'exempted' posts. These are occupations and positions where there is a valid requirement to see a person's full criminal record, including 'spent' convictions, in order to assess their suitability for a position. Exempted posts involve work in regulated activity such as working with children or vulnerable adults.
- 2.4 Information about criminal convictions will be taken into account only when the conviction is considered materially relevant to the role; this includes conflict related offences that pre-date the Belfast (Good Friday) Agreement (April 1998). Any disclosure will be considered in the context of the job description, the nature of the offence and the responsibility for the care of staff, and public users of the Council. This includes Council's responsibility for the protection of children and adults who are at risk of harm.

### **Alcohol, Drugs and Substance Use Policy**

- 2.7 This policy reflects Council's desire to promote and maintain the health, safety and wellbeing of our employees. However, alcohol, drug and substance use and misuse can endanger health and render employees incapable of safe working. This may make affected employees a danger to both themselves and others.

2.8 The aims of the policy are to:

- Encourage and support employees who have an alcohol, drug and substance use and misuse problem to seek help voluntarily.
- Provide a consistent framework for the management of alcohol, drug and substance use and misuse.
- Prevent the risk of accidents and injuries by employees suffering from the effects of alcohol, drug and substance use and misuse.
- Raise the awareness to employees of the risks of alcohol, drug and substance use and misuse.
- Set out the terms in which alcohol, drug and substance testing may be carried out.

### **Time and Recording Policy**

2.9 This policy provides a framework for consistent and fair application of time and recording procedures. All employees are responsible for recording their time worked using the Council's time and recording system.

2.10 Causeway Coast and Glens Borough Council is committed to ensuring compliance with time and recording procedures in order to maintain accurate records for governance purposes.

2.11 Causeway Coast and Glens Council have introduced a single electronic time and recording platform for employees. Employees use the system to accurately record their working hours and input all leave via the ESS (employee self-serve).

2.12 The Time and Recording Policy covers the procedures for attendance, absence reasons, time recording processes and utilization of the ESS (Employee Self Serve) and TWC (The Web Client) to include the management, monitoring and reporting of attendance and absences.

### **3.0 Consultation**

3.1 The draft policy has been considered and agreed at the Senior Management Team and also the Trade Unions through the Action Group and Joint Consultative and Negotiating Committee (JCNC).

### **4.0 Equality Screening**

- 4.1 In accordance with Council’s duty under Section 75 Equality Legislation, the policies have been screened and the result is that they were screened “out”.

## 5.0 **Recommendation(s)**

**It is recommended** that the Corporate Policy and Resources Committee recommends to Council approval of

- Self-Disclosure and Employment of People with Convictions Policy
- Alcohol, Drugs and Substance Use Policy
- Time and Recording Policy



## Alcohol, Drugs and Substance Use Policy

Policy Number	CCG/7/19
Version Number	0.1
Author	

Screening Requirements			
<b>Section 75 Screening</b>	Screening Completed:	Yes/No	Date:
	EQIA Required and Completed:	Yes/No	Date:
<b>Rural Needs Assessment (RNA)</b>	Screening Completed	Yes/No	Date:
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- Appendix 1: Recognising Symptoms & Behaviours Associated with Alcohol/Drug and Substance Use and Misuse**
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- Appendix 4: Alcohol, Drug & Substance Abuse Support Service Information**
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DRAFT

## 1. INTRODUCTION

This policy reflects Council's desire to promote and maintain the health, safety and wellbeing of our employees. However, alcohol, drug and substance use and misuse can endanger health and render employees incapable of safe working. This may make affected employees a danger to both themselves and others.

Council strives to promote health and wellbeing and aims to provide health information and support focusing on the physical, mental and social wellbeing of employees.

The use and misuse of alcohol and drugs can lead to significant costs and risks in terms of accidents, sickness absence and impaired performance.

The aims of the policy are to:

- Encourage and support employees who have an alcohol, drug and substance use and misuse problem to seek help voluntarily.
- Provide a consistent framework for the management of alcohol, drug and substance use and misuse.
- Prevent the risk of accidents and injuries by employees suffering from the effects of alcohol, drug and substance use and misuse.
- Raise the awareness to employees of the risks of alcohol, drug and substance use and misuse.
- Set out the terms in which alcohol, drug and substance testing may be carried out.
- Define the roles and responsibilities for employees, Line Managers and OD/HR in relation to alcohol, drug and substance use and misuse.
- Provide guidance to Line Managers to support employees when addressing these issues and where required, to appropriately manage unsatisfactory conduct, performance or attendance where alcohol, drug and substance use and misuse is a contributing factor.
- To prevent injury or death of employees, their colleagues or any other person
- To prevent damage to or destruction of Council's assets or equipment, or the property of employees, their colleagues or any other person
- To ensure the safe and efficient provision of Council services

## 2. POLICY STATEMENT

This policy applies to all Council employees, including the Chief Executive. It also includes apprentices, agency workers, casual workers, volunteers, contractors and consultants. The collective term 'employees' will be used throughout this policy to apply to all of the groups listed above.

Council will appoint an external test provider to manage the actual testing process in addition to ensuring that relevant management employees are appropriately trained to assist in the initial stages of testing. Council recognises that alcohol, drug and substance use and misuse may be an illness to be treated the same as any other illness and will offer help to employees for alcohol, drug and substance use and misuse where it is sought voluntarily.

Council recognises that there is also a risk associated with employees using/abusing prescribed medication.

Employees may ask for help, in confidence at any time, and will not be disciplined for seeking help for alcohol, drug and substance use and misuse problems. If an employee is found to have and fails to disclose that they have an alcohol, drug and/or substance use and misuse problems or if they delay disclosure, it may be dealt with under Councils Disciplinary Procedure.

This policy does not form part of an employee's contract of employment and Council may amend it at any time.

*(The policy statement should be signed and dated as follows by relevant Council representatives and Trade Union representatives)*

Signed: \_\_\_\_\_ Date: \_\_\_\_\_

Mayor - Causeway Coast and Glens Borough Council

Signed: \_\_\_\_\_ Date: \_\_\_\_\_

Chief Executive - Causeway Coast and Glens Borough Council

### 3. DEFINITIONS

**Causeway Coast and Glens Borough Council Employee** - an employee is any person under a current contract of employment with Causeway Coast and Glens Borough Council, including temporary and fixed term contracts.

**Council** - is the employing authority and is represented by Management.

**Management/ Line Manager/Head of Service** - are those employees charged with line management responsibility for Council employees and accountable for service provision, administration and implementation of Council's business.

**OD/HR Representative** - is an employee of the OD/HR Department who provides guidance and support in the implementation of this policy.

**Employee/Trade Union Representative** - is a fellow employee of Causeway Coast and Glens Borough Council or an official employed by a Council recognised Trade Union, or a Council recognised lay Trade Union official (who has been reasonably certified in writing by their union as having experience of, or as having received training in, acting as an employee companion).

**Legal Representation - solicitors** and/or professional legal counsel, will not be permitted at any stage of implementation of the Alcohol, Drugs & Substance Use Policy. Council will, however, consider sympathetically accommodating employees who have particular requirements arising from a disability etc.

**Drug Use** (as indicated by the Misuse of Drugs Act 1971) – that which harms social functioning – either dependant use (physical or psychological or use as part of a wider spectrum of problematic or harmful behaviour. This can include both prescription and non-prescription drugs). For clarification, this policy refers to alcohol and drugs throughout which will also incorporate 'other substances.'

**Alcohol Misuse** (as indicated by NHS.uk) is when a person drinks in a way that is harmful, or when dependent on alcohol.

### 4. ACCOUNTABILITIES AND RESPONSIBILITIES

This policy is designed to help employees with ongoing alcohol and drug related problems. It does not apply to employees who behave contrary to proper standards of health and safety and conduct as a result of drinking alcohol to excess on random occasions or through recreational drug use. Such instances will be dealt with in accordance with the normal and recognised disciplinary procedures covering misconduct. This policy does not therefore alter the necessary disciplinary action to be taken in these cases.

If an employee declines to seek help, support or treatment through the provisions of the policy and whose absence or general work performance continues to be unsatisfactory, they will be dealt with under the normal disciplinary procedure.

Council will be alert to the potential of false or malicious allegations being made against employees. If this is identified or believed to be the case then the employee will be offered support and referral for counselling. All internal and external allegations will be fully investigated and any employee making allegations will be required to substantiate their claims. If these allegations are found to be false or malicious the alleging employee will be subject to disciplinary action.

#### **4.1 Corporate Responsibility**

The Chief Executive, on behalf of Council, carries overall responsibility for ensuring the appropriate policies and processes are in place which adequately and appropriately support employees. Council will ensure that any test provider (laboratory) it uses for the purposes of carrying out alcohol and drugs testing is:

- UKAS (or European equivalent) accredited to ISO/IEC 17025:2005; and
- subject to blind analysis testing under an external quality assurance

Senior management will be proactive in supporting employees they believe to have a problem with alcohol, drug and substance use and misuse to seek assistance before it affects their employment prospects.

#### **4.2 Role of Directors**

Directors are responsible for the management of their Directorate. Directors are also responsible for delegating authority to Heads of Service/Line Managers to take action under this policy, as appropriate. Directors are responsible for establishing arrangements to ensure:

- Effective and consistent implementation and use of the policy
- Continued service delivery; and
- Consultation with employees on these arrangements

#### **4.3 Heads of Service and Line Managers**

Heads of Service, Line Managers, supervisors and colleagues are not expected to diagnose alcohol or drug related problems. They are however in a position to recognise impairment of work performance and with appropriate awareness training, they may recognise these signs.

Council cannot knowingly allow any employee under the influence of drugs or alcohol to continue working which may place themselves or others at risk and therefore must ensure they comply with this policy, applying it effectively, fairly and consistently

within their area of responsibility. They must be trained in the policy and take appropriate action when required.

Heads of Service and Line Managers are responsible for establishing arrangements to ensure:

- Awareness of the legal considerations/obligations surrounding alcohol, drug and substance use and misuse, especially the duty to provide a safe workplace (Appendix 2)
- All employees are made aware of this policy and procedure, their rights and their responsibilities, as outlined in the procedures.
- Employees do not undertake duties where there is reasonable cause to suspect they may be under the influence of alcohol, drug and substance use and misuse or impacted by their prescription medication. In these circumstances the Line Manager should liaise with their Head of Service or OD/HR
- They are alert to and monitor changes in performance and attendance, sickness and accident patterns and intervene early where an employee's behaviour shows signs of alcohol, drug and substance use and misuse (including prescribed medications). Where appropriate they should contact OD/HR for assistance and advice
- Sensitivity and confidentiality as far as is legitimately and legally possible when discussing alcohol, drug and substance use and misuse problems with employees
- Familiarity with the evidence, symptoms and behaviours associated with alcohol/drug use and misuse (Appendix 1)
- Consult OD/HR where there is any concern as to the policy/process to be followed.
- Timely referrals to Occupational Health to access available support.
- Records are maintained and retained with information in relation to any incidents involving alcohol, drug and substance use and misuse to ensure actions do not expose Council to any unnecessary financial, legal or contractual risk.

#### **4.4 Role of Organisational Development/Human Resources (OD/HR)**

The Head of OD/HR is responsible for reviewing, updating and amending this policy to reflect changes in legislation or employment practice. OD/HR are responsible for establishing arrangements to ensure:

- Appropriate training to effectively implement the policy and procedure.
- Line Managers and Supervisors who are in a position to recognise impairment of work performance of staff through potential alcohol, drug or substance use will be provided with coaching, training and advice and guidance to ensure full knowledge of the policy including training on:
  - Awareness of the legal considerations/obligations surrounding alcohol, drug and substance use and misuse including the duty to provide a safe workplace.

- Familiarity with the evidence, symptoms and behaviours associated with alcohol/drug use and misuse.
- How to monitor changes in performance and attendance, sickness and accident patterns and intervene early where an employee's behaviour shows signs of alcohol, drug and substance use or misuse
- Appropriate action to take when a concern is identified, including escalation of concerns and the testing process.
- Accurate and confidential record keeping
- Provision of awareness sessions and e-learning for employees on the Alcohol, Drugs and Substance Use Policy
- Co-ordination of referrals to Council's Occupational Health (OH) service when appropriate
- Signpost employees to relevant agencies and support services where they can seek help on alcohol and drug related matters.
- Act as key contact with the external provider carrying out testing.
- The Policy is reviewed and updated as and when necessary to evaluate effectiveness.

#### **4.5 Employee Responsibilities**

Employees must be aware of their responsibilities under Council's Code of Conduct to maintain conduct of the highest standard, such that public confidence in their integrity is sustained. Council expects that all individuals within the scope of this policy arrive at the workplace able to fully and competently undertake their required duties and responsibilities without the influence of alcohol, drugs or other substances, demonstrating the ability to fulfil their obligations to the highest standards.

Any employee who suspects that they have an alcohol or drug related problem may seek help, support or treatment through the Policy by directly contacting their Line Manager, OD/HR or self-refer themselves to Occupational Health (OH). It is noted that any self-referrals to OH are not made in conjunction with management and therefore any action recommended by OH as a result of a self-referral will be the responsibility of the employee.

In addition, employees must:

- Comply with this policy and procedure in a reasonable, constructive and appropriate manner.
- Be aware that if suspected of alcohol, drug and/or substance use and misuse they will be expected to co-operate with management. This will include testing and/or a referral to attend OH.
- Ensure they do not report for work under the influence of alcohol, drug and/or substance use and/or misuse.

- Not consume alcohol, drugs or other substances while at work including during rest or meal breaks or if away from work premises.
- Remember that dealing in or the possession of drugs is a criminal offence and will be reported to the PSNI.
- Avail of opportunities to increase their awareness of the effects of alcohol, drug and substance use on their work and health including completion of scheduled e-learning opportunities.
- Seek help if they are concerned about their own alcohol, drug and substance use and misuse. Support can be accessed through OH via their Line Manager, OD/HR, or directly to an outside agency.
- Confirm with their GP whether any drug(s) they are taking as prescribed or otherwise have notable side effects which may affect their performance, conduct and/or attendance. They should then inform their Line Manager who may request further advice from OH. Employees are not obliged to disclose to their Line Manager the actual medical condition being treated.
- Raise concerns with their Line Manager or OD/HR about a colleague whom they believe may require assistance or advice about their use of alcohol, drug and/or substance use, particularly if their ability to carry out their duties is impacted or there is a health and safety risk to themselves or others.
- Accept responsibility for ensuring and maintaining an improvement in their condition and work performance, where alcohol, drug or substance use concerns have been addressed. Council recognises that achieving this improvement will not always be straightforward and may require some time and the ongoing support of Council and colleagues.

## **5. TRAINING AND INFORMATION**

In order to raise the level of awareness of alcohol, drugs or substance use and misuse in the workplace, and to assist Line Managers and supervisors who may have to deal with this emotive issue, training will be delivered within Council.

## **6. 'WITH CAUSE' ALCOHOL AND DRUGS TESTING**

'With Cause' alcohol and drugs testing may be conducted if a manager has concerns that an employee is currently under the influence of alcohol or drugs, when there is suspected alcohol misuse or drug abuse in the workplace, following any vehicular accident or incident, or after an accident or incident in the workplace, to determine if drugs or alcohol may have contributed to the cause.

Before testing is arranged and conducted this must be immediately discussed and authorised in writing by a Director or Head of Service and a senior OD/HR professional, unless in exceptional circumstances where this is not practicable. The Director or Head of Service and senior ODHR professional will confirm if the Manager Checklist and Witness Checklist have confirmed cause for testing and will provide authorisation as appropriate. Please refer to Appendix 7 for the procedure to follow in contacting a Director, Head of Service and senior ODHR professional and Appendix 8 for a Key Contact List when a concern is raised outside of normal office hours.

Testing may be conducted in the following circumstances:

- Signs that an employee is cognitively or physically impaired due to either alcohol or drugs
- Where that an employee is exerting signs or behaviour of drug abuse or alcohol misuse, such as abnormal behaviour as set out at Appendix 1
- Discovery or possession of alcohol, drugs or associated paraphernalia
- If an individual's actions or omissions may have contributed to a dangerous incident or near miss
- Following a workplace incident, near miss, accident or complaint. An incident may include, but is not limited to, injury to an employee, assault of an employee by another member of staff or damage to property. If post-incident testing is required, it may be recommended that all employees involved are tested.

If a testing process is invoked the employee will continue to be supervised and will remain within a private area deemed suitable for testing.

There will be no prior or written notification of 'With Cause' testing' (behaviour or accident/incident).

- 6.1 Line Managers are required to determine the available facts regarding instances of employees who appear cognitively or physically impaired and implement the screening/testing procedure, where there are concerns about safe working. Where there is reasonable belief that an employee is affected by alcohol or drugs or impacted by their prescription medication, the employee must not be permitted to continue to work.
- 6.2 If there are reasonable grounds to believe that an employee is affected by alcohol or drugs when reporting for, or whilst at work, the Line Manager should express their concerns to the employee privately in the presence of a witness, following the Checklist at Appendix 5. The checklist can be used to establish probable cause by providing example signs and symptoms attributable to the misuse of drugs and alcohol. All concerns should be documented on this

checklist which can then be used to demonstrate why a decision was made. The witness should complete the Witness Checklist as detailed at Appendix 6.

- 6.3 Where appropriate, the Line Manager should inform them of the suspicion that they may be unfit to work through the effects of alcohol or drugs and arrange for them to be relieved from duty immediately. In certain circumstances it may be necessary to arrange for the employee to be relieved from duty before this explanation is given. The employee will then be required to undertake an alcohol and drugs test carried out by the Independent Testing Agency appointed by Council. The test procedure is detailed at Appendix X.
- 6.4 Where Council deems it necessary for an employee to be tested this will always be done with the employee's permission. Where an individual is requested to undertake a test, they will be asked to sign a release giving permission for the result of the test to be passed to their Line Manager.
- 6.5 Prior to any sample being taken, employees will be offered the opportunity to disclose any medication that they have recently taken; however, it is ultimately the responsibility of the employee to disclose to the person collecting a sample, details of any medication that they are taking.
- 6.6 An employee may be accompanied by a work colleague or Council recognised trade union representative during testing. However, if it is not reasonably possible for the nominated representative to be present, or they are not available within a reasonable timeframe, an alternative representative or colleague will be appointed, and testing will continue. The Tester will carry out the testing in accordance with the external provider's guidelines.
- 6.7 Council will appoint an external provider to manage the actual testing process. If the initial test provides positive results the employee will be sent home and potentially suspended from duty in line with the Disciplinary Policy. The Line Manager will advise the employee that they must not drive, and the Line Manager will make appropriate arrangements for the employee to be collected from the workplace or transported home.
- 6.8 If the employee refuses to sign a release and refuses to be screened or tested they will be sent home and/or potentially suspended from duty. In addition, it may result in a disciplinary investigation being initiated based on the information and facts available. Refusal will be considered as a positive test result as if the test record shows a positive result.
- 6.9 Results of all tests will generally be communicated to OD/HR in the first instance who will then advise the appropriate Line Manager. The Line Manager will advise the employee as soon as possible.

## **7. TESTING PROCEDURE**

7.1 The result of the test will be recorded and will be signed by the tester carrying out the test and the employee's Line Manager. The possible outcomes and resulting actions from a test are as follows:

- If the test result is returned as a negative result, the employee will continue to work as normal.
- If the test result is on or exceeds the testing limits as set by the external testing provider, the employee may be subject to disciplinary procedures following a positive confirmation.
- An employee who refuses to undertake testing may be subject to a disciplinary investigation. Refusal to take a test will be considered as a positive test result as if the test record shows a positive result.
- All relevant paperwork i.e., consent, non-consent forms etc. will be supplied by the external test provider.

7.2 All positive readings for alcohol or drugs may result in disciplinary action being initiated.

7.3 If an employee fails a drugs test only, they can request a re-test; however, they will not be asked to provide a new sample as during the original test, two samples are collected. A second test will involve the second sample being tested. The option to request a re-test is only available for a limited period of time (to be advised by the external test provider) and the employee may be required to pay for the second test.

## **8. EMPLOYEE WITH A KNOWN ALCOHOL, DRUG OR SUBSTANCE RELATED PROBLEM**

8.1 Where it is known that an employee has an ongoing problem which is related to alcohol, drug and/or substance use and misuse the Line Manager should immediately meet the employee at the earliest opportunity. Line Managers must contact OD/HR to advise them of their concerns and seek guidance. This initial meeting will be an informal meeting with just the Line Manager and employee in attendance.

8.2 At the informal meeting the Line Manager should explain the reasons for the concern and begin to gather the facts relating to the problem. (*'Guidelines for conducting an interview with an employee who appears to have an alcohol or drug related problem'* is attached in Appendix 3)

- 8.3 Managers must maintain and retain a record of the discussion with the employee in relation to performance and/or conduct regarding their belief that the employee may have a problem with alcohol, drug and/or substance use and misuse. They must advise the employee that they are implementing this policy and provide them with a copy of the policy for their information. They must explain that Council will make every reasonable effort to provide assistance, advice and treatment where appropriate.
- 8.4 Line Managers must then contact OD/HR to refer the employee to OH. The employee's agreement for this referral should be obtained, however this is not essential. Employees are expected to comply with any referral for professional assessment and/or treatment deemed appropriate by OH. The employee will be expected to give their consent to progress reports from their treatment provider being sent to OH. The employee will be signposted to available support.

## **9. REFERRAL FOR DIAGNOSIS/TREATMENT & SUPPORT**

- 9.1 Employees who volunteer that they have an alcohol or drug use and misuse problem (before an incident that triggers implementation of the screening and testing procedure) will be treated as supportively and sensitively as possible. The Line Manager will refer them via OD/HR to OH. Additionally, any employee who suspects that they have an alcohol or drug use, and misuse problem may seek help, support or treatment through the Policy by directly contacting their Line Manager, OD/HR or self-refer themselves to Occupational Health (OH) in confidence. Reasonable requests for time off to obtain support, advice and treatment, which is endorsed by OH, will be granted.
- 9.2 When a problem is identified and the nature of the employee's job is such that to continue to carry out the full range of duties would prejudice the safety of themselves, colleagues or the public, Council will seek recommendations from OH and endeavour to agree with the employee concerned to restrict their duties or seek alternative duties. If neither of these options are practical, the employee will not be allowed to work and will be considered to be off on sick leave. The normal rules and benefits of Council's Occupational Sick Pay Scheme will apply.
- 9.3 In circumstances where an employee is opposed to restricted duties, alternative duties or sick leave as a result of OH recommendations, Council may consider medical suspension where they are not able to undertake their normal duties and where no alternative options are feasible.
- 9.4 If a course of treatment is recommended by OH, the employee must complete the course. An independent report will be sought from the treatment provider at this

point. The matter will then be assessed by the Line Manager, in conjunction with OD/HR and OH in light of the report. Council may require supporting medical evidence and independent reports and reserve the right to seek employee consent to contact an employee's GP and/or specialist. If reports indicate that the dependency is under control, the employee may resume their original position. An extended monitoring period, which may include testing at regular intervals, will be identified and confirmed in writing where required.

- 9.5 Should any employee need to undergo treatment requiring time off work they will be given options on the type of leave (such as annual leave or unpaid leave) which could be considered to cover the time off work. If an employee has no other of type of leave available to them, consideration will be given to absence on sick leave and the normal rules and benefits of the Occupational Sick Pay Scheme will apply. Disciplinary action will not be taken because of an absence which is regarded as necessary while an employee is undergoing treatment under the policy.
- 9.6 In addition to Inspire, appropriate help, support and treatment may be available through an independent counselling service.
- 9.7 If the referral to OH is refused, any issues arising in the future may be dealt with under the Disciplinary Procedures.

## **10. RETURN TO WORK**

- 10.1 Where the employee has undertaken treatment, a return to work can be facilitated after OH has advised of fitness. Any return to work will be conditional on the employee complying with the policy, agreeing to any appropriate treatment and review, and all outstanding issues having been addressed.
- 10.2 A timetable on method of review and monitoring should be discussed with OH and agreed with the employee. This should form a condition of their return. The review will be for an appropriate period of time, which may be guided by OH recommendations. During this time, the employee's compliance and progress will be monitored.
- 10.3 Employees are encouraged to avail of the treatment and support available. Council acknowledges that relapse is a possibility; should this happen intervention and referral to OH will be applied immediately.
- 10.4 It should be noted that any absence/treatment associated with an alcohol, drugs or substance use and misuse which is regarded as sick leave will be

managed in line with the Sickness Absence Policy and paid in accordance with Council's Occupational Sick Pay scheme.

- 10.5 Following return to employment, after or during treatment, should work performance, conduct or behaviour again suffer as a result of alcohol or drug related problems, each case will be considered on its individual merits. If appropriate, further support and treatment may be provided.
- 10.6 The confidentiality of records relating to employees with alcohol or drug related problems will be strictly preserved and only those members of Management or OD/HR employees involved in a referral will have access to these. Where further dissemination of information in a record is required, the employee will be advised beforehand, although again the information will be treated in the strictest confidence.

## **11. DISQUALIFICATION and/or FINES**

- 11.1 An employee who has tested positive whilst at work may face criminal charges, which may lead to imprisonment and fines. Notwithstanding this, this will not prejudice Council from taking disciplinary action as appropriate.
- 11.2 Employees must advise their Line Manager immediately (verbally and in writing) if they are charged with an alcohol or drug related criminal offence. Employees who report such an offence may not be allowed to continue with their substantive responsibilities and/or role following a review with their Line Manager.
- 11.3 Additionally, employees must advise their Line Manager immediately (verbally and in writing) if they have been disqualified from driving. Where a valid UK driving Licence, of any category, has been confirmed as an essential criterion for the role, a review will be undertaken to consider all individual circumstances including the length of disqualification, importance of driving to the job role and potential options for amended responsibilities or redeployment.
- 11.4 In all circumstances, amendments to role responsibilities or redeployment will be considered in line with operational suitability, appropriate medical/OH advice, relevant risk assessments and consideration of individual circumstances.
- 11.5 Depending on whether disqualification or a fine has been applied, appropriate disciplinary may be taken.

## **12. DISCIPLINARY ACTION**

Council will ensure that alcohol, drug and substance use and misuse is treated primarily as a health issue. In seeking to apply this policy, there may be circumstances when disciplinary action may be necessary.

Circumstances in which it may be necessary to initiate disciplinary action include, but are not limited to:

- Cases of gross misconduct and/or where there are health and safety risks or risk of injury.
- Possession and/or supplying of drugs or illegal substances in the workplace.
- Where help and support are refused in relation to alcohol, drug or substance use concerns.
- Following positive test procedures in line with this policy

Where appropriate, any issues arising from this policy, including the level of co-operation from the employee will be taken into consideration in the application of the Disciplinary Procedure. Employees are therefore encouraged to co-operate with this policy at all stages.

## **13. CONFIDENTIALITY/ DATA PROTECTION/PRIVACY IMPACT ASSESSMENT**

Council will comply fully with its obligations under the GDPR and other relevant legislation pertaining to the safe handling, storage, retention and disclosure of information, including all health and medical information surrounding alcohol, drug and substance use and misuse.

Notwithstanding this, legislation accounts for justifiable circumstances where confidential information in this regard may need to be disclosed where an employee's, or others, health and safety is at risk, and may therefore be required to initiate preventative and/or remedial action.

## **14. EVALUATION AND REVIEW OF THE POLICY**

This procedure will be reviewed in 12 months and, if necessary, revised in consultation with recognised Trade Unions.

## **15. SECTION 75 EQUALITY AND GOOD RELATIONS**

Council is fully committed to meeting its obligations in relation to Equality and Good Relations under Section 75 of the Northern Ireland Act. In this regard this policy will

be screened using Section 75 guidelines and will be subject to an Equality Impact Assessment if found necessary as a result of the screening process.

## **16. CONTACT DETAILS**

Any issues or queries relating to this policy should be addressed to:

OD/HR Department  
Causeway Coast and Glens Borough Council  
Cloonavin  
66 Portstewart Road  
COLERAINE  
BT49 1EY

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## RECOGNISING SYMPTOMS & BEHAVIOURS ASSOCIATED WITH ALCOHOL, DRUG AND SUBSTANCE USE AND MISUSE

This section aims to provide some guidance to Line Managers regarding the signs and symptoms of alcohol, drug and/or substance use and misuse.

**It is important to keep in mind** that if an employee shows any of the following symptoms, it does not necessarily mean that he or she is under the influence of alcohol, drug and/or substances. The presence of some of these behaviours could be the product of stress, depression or a host of other problems. Whatever the cause, they may warrant attention, especially if they persist or if they occur in a cluster.

The key is change; it is important to watch for any significant changes in physical appearance, personality, attitude or behaviour.

<b>Physical Signs</b>	
Loss/Increase in appetite, changes in eating habits, unexplained weight loss/gain	Extreme hyperactivity; excessive talkativeness
Slowed or staggering walk; poor physical coordination	Needle marks on lower arm, leg or bottom of feet
Inability to sleep, unusual laziness	Runny nose; hacking cough
Red, watery eyes; pupils larger or smaller than usual; blank stare	Tremors or shakes of hands, feet or head
Cold, sweaty palms; shaking hands	Nausea, vomiting or excessive sweating
Puffy face, blushing or paleness	Slurred Speech
Smell of substance on breath, body or clothes	

<b>Behavioural Signs</b>	
Change in overall attitude/personality with no other identifiable cause	Changes in friends; sudden avoidance of old crowd; doesn't want to talk about new friends
Change in activities or hobbies	Paranoia
Drop in performance at work (variations in quality/quantity of work previously done)	Excessive need for privacy; unreachable; secretive or suspicious behaviour

Poor attendance/time keeping	Increase in accidents (slips, trips and falls)
Difficulty in paying attention; forgetfulness	Chronic dishonesty
Lack of concentration/easily distracted	Unexplained need for money, stealing money or items
General lack of motivation, energy, self-esteem, "I don't care" attitude	Change in personal grooming habits; deterioration of personal appearance
Sudden oversensitivity, aggression, or resentful behaviour	Possession of drug paraphernalia
Moodiness, irritability, or nervousness	Silliness or giddiness

<b>Drug Specific Symptoms</b>	
<b>Marijuana/Cannabis</b>	Glassy, red eyes; loud talking and inappropriate laughter followed by sleepiness; a sweet burnt scent; loss of interest, motivation; weight gain or loss.
<b>Alcohol</b>	Clumsiness; difficulty walking; slurred speech; sleepiness; poor judgment; dilated pupils.
<b>Depressants</b> (including barbiturates and tranquilizers)	Seems drunk as if from alcohol but without the associated odour of alcohol; difficulty concentrating; clumsiness; poor judgment; slurred speech; sleepiness; and contracted pupils.
<b>Amphetamines/ Stimulants/ Methamphetamines (including Ecstasy)</b>	Hyperactivity; euphoria; irritability; anxiety; excessive talking followed by depression or excessive sleeping at odd times; may go long periods of time without eating or sleeping; dilated pupils; weight loss; dry mouth and nose.
<b>Inhalants</b> (Glues, aerosols and vapours )	Watery eyes; impaired vision, memory and thought; secretions from the nose or rashes around the nose and mouth; headaches and nausea; appearance of intoxication; drowsiness; poor muscle control; changes in appetite; anxiety; irritability; an unusual number of spray cans in the trash.
<b>Hallucinogens</b>	Dilated pupils; bizarre and irrational behaviour including paranoia, aggression, hallucinations; mood swings; detachment from people; absorption with self or other objects, slurred speech; confusion.
<b>Opiates, Morphine and Heroin</b>	Needle marks; sleeping at unusual times; sweating; vomiting; coughing and sniffing; twitching; loss of appetite; contracted pupils; no response of pupils to light.

## LEGAL & POLICY FRAMEWORK

Council is committed to delivering its responsibilities under the following legislation and guidance as amended:

### **Health and Safety at Work (Northern Ireland) Order 1978**

Employers have a general duty under the Health and Safety at Work (Northern Ireland) Order 1978 act to ensure, as far as is reasonably practicable, the health, safety and welfare at work of their employees.

### **Management of Health and Safety at Work Regulations (Northern Ireland) 2000**

Employers have a duty under the Management of Health and Safety at Work Regulations (Northern Ireland) 2000, to assess the risks to the health and safety of their employees. If the employer knowingly allows an employee under the influence of drug use and misuse or excess alcohol to continue working and their behaviour places the employee or others at risk, the employer could be prosecuted.

Employees are also required to take reasonable care of themselves and others who could be affected by what they do at work.

### **Transport and Works Act 1992**

The Transport and Works Act 1992 makes it a criminal offence for certain workers to be unfit through drugs and/or drink while working on railways, tramways and other guided transport systems. The operators of the transport system would also be guilty of an offence unless they had shown all due diligence in trying to prevent such an offence being committed

### **Road Traffic (Northern Ireland) Order 1995**

The Road Traffic (Northern Ireland) Order 1995 states that any person who, when driving or attempting to drive a motor vehicle on a road or other public place, is unfit to drive through drink or drugs shall be guilty of an offence. An offence is also committed if a person unfit through drink or drugs is in charge of a motor vehicle in the same circumstances.

### **Misuse of Drugs Act 1971**

The principal legislation in the UK for controlling the use and misuse of drugs is the Misuse of Drugs Act 1971. Nearly all drugs with use and misuse and/or dependence liability are covered by it. The Act makes the production, supply and possession of these controlled drugs unlawful except in certain specified circumstances (for example, when they have been prescribed by a doctor). If you knowingly permit the

production or supply of any controlled drugs, the smoking of cannabis or certain other activities to take place on your premises you could be committing an offence.

**Data Protection Act 2018**

All employees must ensure that they adhere to the Information Commissioners Code of Practice when testing for alcohol or drugs to avoid breaching the Data Protection Act 2018.

*NB: OD/HR will automatically update the procedure to comply with any changes to legislation, LRA guidance and notify employees of amendments when required.*

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## **GUIDELINES FOR CONDUCTING AN INTERVIEW WITH AN EMPLOYEE WHO APPEARS TO HAVE AN ALCOHOL OR DRUG RELATED PROBLEM**

Managers must retain and maintain written records of all discussions with affected employees.

### **Managers are advised to:**

- Prepare for the discussion – allow plenty of time
- Explain the reason for meeting
- Focus on the work performance/ behaviour that has led you to meet
- Be objective, specific and non-judgmental
- Use non-emotive language
- Show concern for the employee
- Listen to what they say about their personal problems
- Offer the opportunity of professional help and advice – if you feel there is a need
- Follow the policy in every case

### **Managers are advised not to:**

- Make any comment on the employee's private life
- Rely on subjective impressions or rumour for which documented evidence is lacking
- Make vague accusations – be clear and concise
- Convey verbally or by your manner that you are judging the employee's morals
- Argue with the employee about their problems, or attempt to give advice. Leave any room for uncertainty about the employee's situation and what the next steps are
- Waiver between the heavy-handed exercise of authority and holding out the hand of friendship

## Alcohol, Drug and Substance Abuse Support Service Information

### Ascert Northern Ireland

Ascert is a regional service provider focused on awareness raising and building capacity in local communities to understand and respond to substance misuse issues. Services include education, training and interventions.

Tel: 0800 254 5123

[www.ascert.biz](http://www.ascert.biz)

### DAISY

The Drug and Alcohol Intervention Service for Youth (DAISY), ran by Ascert, provides confidential support for young people and young adults experiencing problems with alcohol and substance use.

Tel: 0800 254 5123

### Northlands

Northlands is an addiction treatment centre situated in Derry/Londonderry offering both residential rehabilitation and non-residential counselling for people with addiction difficulties.

Tel: 028 71 313232

Email: [info@northlands.org.uk](mailto:info@northlands.org.uk)

[www.northlands.org.uk](http://www.northlands.org.uk)

### Carlisle House

Carlisle House is a substance abuse residential treatment centre in Belfast catering for 18-65 year olds in the greater Belfast and Northern Trust area. It offers a range of services, advice and information, treatment programmes and ongoing support services.

Tel: 028 90 328308

Email: [carlislehouse@pcibsw.org](mailto:carlislehouse@pcibsw.org)

[www.carlislehouse.org](http://www.carlislehouse.org)

### HURT

HURT NI, based in Derry/Londonderry, provide a comprehensive range of services to meet the needs of those directly or indirectly affected by the misuse of drugs and alcohol.

Tel: 028 71 369696

Email: [info@hurtni.org](mailto:info@hurtni.org)

[www.hurtni.org](http://www.hurtni.org)

## **Addiction NI**

Addiction NI provides services across Northern Ireland as a leading counselling, support and information service for people affected by alcohol and drug use. Services include wellbeing programmes and specialist interventions.

Tel: 028 90 664434

Email: [enquiries@addictionni.com](mailto:enquiries@addictionni.com)

[Addiction NI \(nicas.info\)](http://nicas.info)

## **National Drugs Helpline**

Tel: 0300 123 6600

Text: 82111

[www.talktofrank.com](http://www.talktofrank.com)

## **Useful Websites**

### **Inspire Workplaces**

Inspire Workplaces provides an employee assistance programme, intervention methods and a comprehensive self-help library as a resource to expert information and advice in the areas of addiction control.

Tel: 028 90 328474

[www.inspiresupporthub.org](http://www.inspiresupporthub.org)

### **Alcohol and You NI**

[alcoholandyouni.com](http://alcoholandyouni.com) is a website with a range of help and self-help services free of charge and available to all.

[www.alcoholandyouni.com](http://www.alcoholandyouni.com)

### **Recovery.org.uk**

Providing advice on NHS and private treatment options, drug and alcohol centres, treatment counsellors and rehabilitation clinics.

Tel: 0203 553 0324

[www.recovery.org.uk](http://www.recovery.org.uk)

## **Additional Support**

### **Lifeline**

Lifeline is the Northern Ireland crisis response helpline service for people who are experiencing distress or despair. Calls are free from UK landlines and mobiles.

Tel: 0800 808 8000

[www.lifelinehelpline.info](http://www.lifelinehelpline.info)

### **PIPS Suicide Prevention Ireland**

PIPS provide support to individuals who are considering, or who have at some point considered, ending their own lives. PIPS also provide support to those families and friends who have been touched by suicide.

Tel: 028 90 805850

0800 088 6042

Email: [info@pipscharity.com](mailto:info@pipscharity.com)

[www.pipscharity.com](http://www.pipscharity.com)

### **Samaritans**

Samaritans provide confidential and non-judgemental emotional support, 24 hours a day, for people who are experiencing feelings of distress, including those which could lead to suicide.

Tel: 116 123

[www.samaritans.org](http://www.samaritans.org)

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## Manager Checklist

## APPENDIX 5

### Checklist for Reasonable Suspicion of an Employee under the Influence of Alcohol or Other Drugs

This policy recognises that managers, Trade Union and organisation representatives are not qualified to assess whether an alcohol or substance use or misuse problem exists.

This checklist is intended as a guide and not all of the items in the checklist conclusively confirm drug or alcohol use or misuse.

Please make detailed notes demonstrating the possible use of alcohol or substances, including providing additional detail as appropriate.

<b>Employee Name</b>		<b>Line Manager</b>	
<b>Directorate</b>		<b>Department</b>	
<b>Location</b>		<b>Telephone</b>	

<b>Line Manager Checklist</b>			
<b>Change in Physical Appearance</b>	<b>Yes</b>	<b>No</b>	<b>N/A</b>
Bleary eyes			
Hand tremor			
Facial flushing			
Unkempt appearance			
Smelling of alcohol			
Slurred speech			
Unsteady on feet			
Glassy eyes			
Pin point pupils			
<b>Changes in Personality</b>			
Aggressive behaviour			
Erratic behaviour – out of ordinary for the individual			
Mood change, irritability, lethargy			
Change in attitude to authority			
Over sensitivity to criticism			
Avoiding company			
<b>Poor Work Performance</b>			
Deterioration in relationships with colleagues, supervisors, managers			
Lack of concentration/fluctuations in concentration and energy			
Fatigue			
Reduced productivity			
Impaired job performance			
Mistakes and errors in judgement			
Appearing confused			

<b>Absenteeism</b>			
Frequent and unexplained short-term sickness absence			
<b>Longer Term Indications</b>			
Repeated patterns of depression, or fatigue from sleeplessness, which lasts 2-3 days			
Erratic performance			
Overconfidence			
Inappropriate behaviour			
Sudden mood changes from extreme happiness to severe depression			
Reduced response times			
A tendency to become confused			
Reduced productivity			
Poor time-keeping			
Lack of discipline			
Deterioration in relationships with colleagues, supervisors, managers, customers			
Dishonesty and theft			
Frequent money borrowing			
Frequent injuries/accidents			
Financial irregularities			
<b>Other Signs (please list)</b>			
<b>Other Comments</b>			
<p>If employee admits being under the influence of alcohol and/or drugs. Please describe and detail what alcohol/drugs/substances the employee has stated they have taken.</p>			

**Based on the evidence presented, as Line Manager, I have reason to believe that the above employee should undertake a drug and alcohol test. The member of staff has**

been advised of the reason for this course of action and the requirement for further investigation.

<b>Line Manager Print Name</b>		<b>Witness Print Name</b>	
<b>Sign</b>		<b>Sign</b>	
<b>Date</b>		<b>Date</b>	
<b>Employee Consent:</b>			
<p>I hereby sign that I provide my informed consent with being tested for drugs and/or alcohol.</p> <p>I hereby sign that I am refusing to provide my informed consent with being tested for drugs and/or alcohol.</p> <p>(delete as appropriate)</p>			
<b>Employee Print Name</b>		<b>Representative Print Name</b>	
<b>Sign</b>		<b>Sign</b>	
<b>Date</b>		<b>Date</b>	

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**Witness Checklist (Accompanying Line Manager)****APPENDIX 6****Checklist for Reasonable Suspicion of an Employee under the Influence of Alcohol or Other Drugs**

This policy recognises that managers, Trade Union and organisation representatives are not qualified to assess whether an alcohol or substance use or misuse problem exists.

This checklist is intended as a guide and not all of the items in the checklist conclusively confirm drug or alcohol use.

Please make detailed notes demonstrating the possible use of alcohol or substances, including providing additional detail as appropriate.

<b>Employee Name</b>		<b>Line Manager</b>	
<b>Directorate</b>		<b>Department</b>	
<b>Location</b>		<b>Telephone</b>	

<b>Witness Checklist</b>			
<b>Change in Physical Appearance</b>	<b>Yes</b>	<b>No</b>	<b>N/A</b>
Bleary eyes			
Hand tremor			
Facial flushing			
Unkempt appearance			
Smelling of alcohol			
Slurred speech			
Unsteady on feet			
Glassy eyes			
Pin point pupils			
<b>Changes in Personality</b>			
Aggressive behaviour			
Erratic behaviour – out of ordinary for the individual			
Mood change, irritability, lethargy			
Change in attitude to authority			
Over sensitivity to criticism			
Avoiding company			
<b>Poor Work Performance</b>			
Deterioration in relationships with colleagues, supervisors, managers			
Lack of concentration/fluctuations in concentration and energy			
Fatigue			
Reduced productivity			
Impaired job performance			
Mistakes and errors in judgement			
Appearing confused			

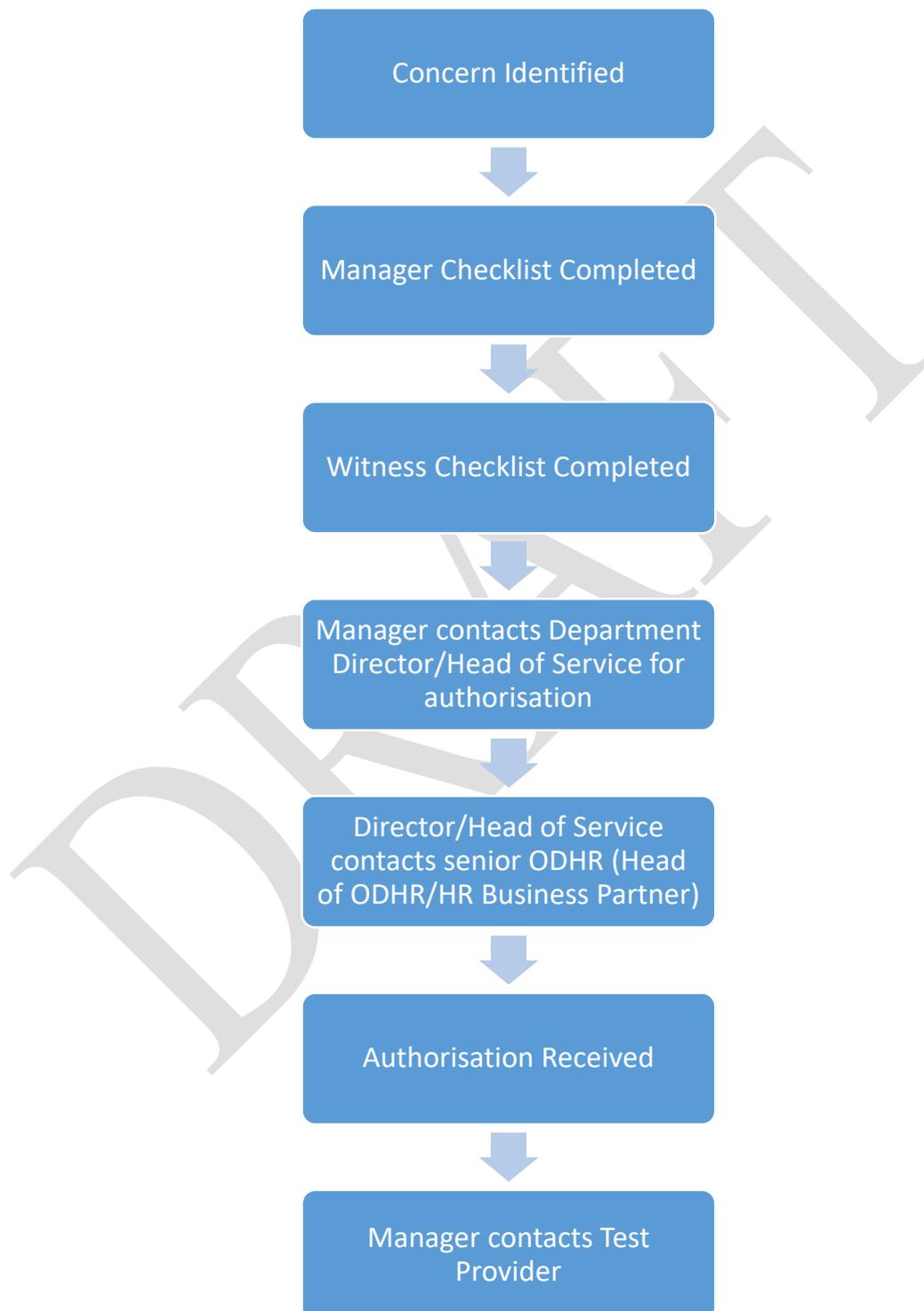
<b>Absenteeism</b>			
Frequent and unexplained short-term sickness absence			
<b>Longer Term Indications</b>			
Repeated patterns of depression, or fatigue from sleeplessness, which lasts 2-3 days			
Erratic performance			
Overconfidence			
Inappropriate behaviour			
Sudden mood changes from extreme happiness to severe depression			
Reduced response times			
A tendency to become confused			
Reduced productivity			
Poor time-keeping			
Lack of discipline			
Deterioration in relationships with colleagues, supervisors, managers, customers			
Dishonesty and theft			
Frequent money borrowing			
Frequent injuries/accidents			
Financial irregularities			
<b>Other Signs (please list)</b>			

<p><b>Other Comments</b></p>
<p>If employee admits being under the influence of alcohol and/or drugs. Please describe and detail what alcohol/drugs/substances the employee has stated they have taken.</p>

**Based on the evidence presented, as Witness, I have reason to believe that the above employee should undertake a drug and alcohol test. The member of staff has been advised of the reason for this course of action and the requirement for further investigation.**

<b>Line Manager Print Name</b>		<b>Witness Print Name</b>	
<b>Sign</b>		<b>Sign</b>	
<b>Date</b>		<b>Date</b>	
<p><b>Employee Consent:</b></p> <p><b>I hereby sign that I provide my informed consent with being tested for drugs and/or alcohol.</b></p> <p><b>I hereby sign that I am refusing to provide my informed consent with being tested for drugs and/or alcohol.</b></p> <p><b>(delete as appropriate)</b></p>			
<b>Employee Print Name</b>		<b>Representative Print Name</b>	
<b>Sign</b>		<b>Sign</b>	
<b>Date</b>		<b>Date</b>	

Where a manager or supervisor has reason to believe that an employee should undertake a drug and alcohol test following completion of the Manager Checklist, the following process should be followed.



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**Causeway  
Coast & Glens  
Borough Council**

## **Self-Disclosure and Employment of People with Convictions Policy**

Policy Number	
Version Number	0.1
Author	OD/HR

Date of Screening of Policy	
EQIA Recommended?	YES/NO
Date Adopted by Council	
Date Policy Revised	

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## **1. INTRODUCTION**

Causeway Coast and Glens Borough Council (CCGBC) are committed to providing equality of opportunity to all applicants for employment, including those with criminal convictions.

Some convictions are protected under the Rehabilitation of Offenders (Northern Ireland) Order 1978. The Rehabilitation of Offenders Order enables certain criminal convictions to become 'spent' after period of time known as the rehabilitation period. When the rehabilitation period has passed, an ex-offender has no legal obligation to declare their conviction when applying for a job.

The Rehabilitation of Offenders (Exceptions) Order (Northern Ireland) 1979 details 'exempted' posts. These are occupations and positions where there is a valid requirement to see a person's full criminal record, including 'spent' convictions, in order to assess their suitability for a position. Exempted posts involve work in regulated activity such as working with children or vulnerable adults.

Information about criminal convictions will be taken into account only when the conviction is considered materially relevant to the role; this includes conflict related offences that pre-date the Belfast (Good Friday) Agreement (April 1998). Any disclosure will be considered in the context of the job description, the nature of the offence and the responsibility for the care of staff, and public users of the Council. This includes Council's responsibility for the protection of children and adults who are at risk of harm.

## **2. POLICY STATEMENT**

Council is committed to equality of opportunity and the fair treatment of its staff, potential staff and users of its services. We actively promote equality of opportunity and strive to ensure that we have the right mix of talent, skills and potential within the organisation. We welcome applications from a wide range of candidates, including those with criminal records. Council will ensure selection of candidates based on their qualifications, experience, knowledge and competencies as required.

Council will ensure that officers involved in recruitment and decision-making processes regarding criminal convictions will receive training to identify and assess the relevance and circumstances of offences and that they receive appropriate guidance and training in the relevant legislation relating to the employment of ex-offenders.

This policy details:

- i. Causeway Coast and Glens Borough Council's Policy on Self Disclosure and the Employment of People with Convictions
- ii. Guidance on the implementation of the policy

This policy applies to all potential job applicants and existing Council employees, including the Chief Executive. It also includes the requirement for the appropriate disclosure checks to be conducted with apprentices, agency workers, casual workers and volunteers as applicable. The collective term 'employees' will be used throughout this policy to apply to all of the groups listed above.

This policy does not form part of an employee's contract of employment and Council may amend it at any time.

Signed: \_\_\_\_\_ Date: \_\_\_\_\_  
Mayor  
Causeway Coast and Glens Borough Council

Signed: \_\_\_\_\_ Date: \_\_\_\_\_  
Chief Executive  
Causeway Coast and Glens Borough Council

### 3. DEFINITIONS

**Causeway Coast and Glens Borough Council Employee** - an employee is any person under a current contract of employment with Causeway Coast and Glens Borough Council, including temporary and fixed term contracts.

#### **Caution**

An alternative to prosecution of a minor offence, which is administered by the police and accepted by the individual. It becomes spent immediately.

#### **Council**

The employing authority and is represented by Management.

#### **Criminal Conviction**

An instance when an individual has been found guilty of an offence by a court. Convictions include fines, community service orders, probation orders and custodial sentences (suspended or not).

#### **Criminal Record**

A record of an individual's criminal history. It includes cautions, reprimands and final warnings, as well as convictions.

#### **Disclosure**

A term used to describe the process of telling an employer about a criminal record, providing details and contextual information.

#### **Exceptions Order**

The Rehabilitation of Offenders (Exceptions) Order (NI) 1979 allows for certain types of employment/convictions to be excluded from the legislation. This means that all previous convictions including spent convictions must be declared. Excepted positions include 'regulated' positions, positions where national security may be an issue and professions regulated by law.

#### **Filtering**

The system that removes old or minor cautions and convictions from Enhanced Access NI checks.

**Management/Line Manager/Head of Service** - are those employees charged with line management responsibility for Council employees and accountable for service provision, administration and implementation of Council's business.

#### **Offence**

An act that is punishable by law.

### **Regulated Activity**

A position which invariably requires working closely, regularly and unsupervised with children and is defined in law in Schedule 2 of the Safeguarding Vulnerable Groups (NI) Order 2007, as amended by the Protection of Freedoms Act 2012. Regulated positions include those whose normal duties require them to care for, train, advise, counsel, or are in sole charge of children, or have unsupervised contact with children, as well as the supervisors/managers of individuals in regulated positions.

### **Rehabilitation of Offenders (NI) Order 1978**

The Rehabilitation of Offenders (NI) Order 1978 makes it possible for many convictions to become 'spent' and for the person to be treated as though they have never been convicted. The legislation defines how long candidates have to disclose information about their criminal record, which aims to reduce barriers for offenders to be rehabilitated into society.

### **Rehabilitation Period**

The length of time, dependent on the sentence received, before a conviction or similar becomes spent.

### **Spent Conviction**

A conviction that no longer has to be disclosed to an employer for most roles. It will still be disclosed for regulated roles.

### **Unspent Conviction**

A conviction that has to be disclosed to an employer for all roles, if the candidate is asked.

## **4. ACCOUNTABILITY AND RESPONSIBILITIES**

### **4.1 Corporate Responsibility**

The Chief Executive, on behalf of Council, carries overall responsibility for ensuring that the organisation complies with the relevant legislation;

- Rehabilitation of Offenders (NI) Order 1978
- Rehabilitation of Offenders (Exceptions) Order (NI) 1979
- Safeguarding Vulnerable Groups Act (2006) and Safeguarding Vulnerable Groups (Northern Ireland) Order 2007

### **4.2 Role of Directors**

Directors are responsible for the management of their Directorate. Directors are also responsible for delegating authority to Heads of Service/Line Managers to take action under this policy, as appropriate. Directors are responsible for establishing arrangements to ensure:

- Effective and consistent implementation and use of the policy
- Continued service delivery; and

Consultation with employees on these arrangements

### **4.3 Role of Organisational Development/Human Resources (OD/HR)**

The Head of OD/HR is responsible for reviewing, updating and amending this policy to reflect changes in legislation or employment practice. OD/HR are responsible for establishing arrangements to ensure:

- Appropriate training to effectively implement the policy and procedure.
- Effective implementation of the policy and procedure
- Ensure appropriate record keeping procedures.

## **5. IMPLEMENTATION ARRANGEMENTS**

Council has a duty of care to protect the well-being of the public and service users and in particular vulnerable children and adults who may be at risk. We also recognise the contribution that former ex-offenders can make as employees and volunteers. A person's criminal record, in itself, will not debar that person from being appointed to the post. Suitable applicants will not be refused posts because of offences which are not relevant to the post and do not place them at risk within the role.

### **5.1 Spent Convictions**

The Rehabilitation of Offenders (Northern Ireland) Order 1978 allows most convictions (and cautions) to be considered spent after a specified period of time. Once a caution or conviction is spent the person is considered rehabilitated and the Order treats the person as if they had never committed an offence. This means that jobseekers with criminal records have the right to legally withhold such information from a prospective employer when applying for most jobs. The specified period of time is determined by the sentence or disposal that was received in respect of a particular offence (See Appendix 3).

### **5.2 'Excepted' Posts**

Certain convictions will never become spent and include custodial sentences of more than 30 months. When applying for 'regulated' posts all applicants must disclose all spent and unspent convictions.

The Rehabilitation of Offenders (Exceptions) Order (NI) 1979 also allows for certain types of employment/convictions to be excluded from the legislation. This means that all previous convictions including spent convictions must be declared. 'Excepted' positions include regulated positions, positions where national security may be an issue and professions regulated by law. Further details regarding excepted employment are set out in Appendix 5.

### **5.3 Unspent Convictions**

Unspent convictions, including conflict related offences, will not necessarily prevent an application from being considered. However, failure to disclose a previous criminal conviction, which is not spent, will result in disqualification of an applicant, or disciplinary action, after appointment in accordance with the Council's Disciplinary Procedure.

### **5.4 Filtering**

Filtering means that some old and minor convictions (defined as 'non specified offences') and other information (such as cautions/informed warnings/diversionary youth conferences) will no longer be automatically disclosed on Standard and Enhanced Access NI Checks. This means that some conviction information which previously would have been disclosed, may not be in the future. Further details regarding Filtering are set out in Appendix 4.

A specified offence is a serious offence that will always appear on an Access NI check no matter when the crime occurred or the offender's age when convicted. Examples of specified offences include violent offences, sexual offences, offences against a child, murder and drug related offences, among others.

A list of specified offences can be found at the link below, however, please note that this list may be updated periodically.

[https://www.nidirect.gov.uk/sites/default/files/2023-02/List-of-Specified-Offences-February-2023\\_0.PDF](https://www.nidirect.gov.uk/sites/default/files/2023-02/List-of-Specified-Offences-February-2023_0.PDF)

## **6. RECRUITMENT & SELECTION PROCESS**

Council is entitled to ask prospective employees and volunteers about convictions which are not spent under The Rehabilitation of Offenders (NI) Order 1978. Prospective applicants from the outset of the selection process will be advised exactly what information will be requested from them, when this will happen and why it is necessary. Guidance is available for applicants on the legislation and on spent convictions within Council's Policy Statement on the Recruitment of Ex-Offenders.

All applicants are advised in the terms and conditions of employment, issued with the application pack, that appointments to all posts are subject to the satisfactory completion of a 'Disclosure of Criminal Convictions' form (Appendix 1 and Appendix 2). Applicants will also be advised that Access NI checks will be conducted if this a requirement of the post.

Applicants are not asked to disclose information regarding convictions on their application form for posts. Applicants are recommended for interview based

on the merit principle of the information provided on application forms, and appointments at interview are based strictly on the merit principle based on candidates' performance at interview. Short-listing and interview panels will not have any knowledge of applicants' convictions.

Council requires all applicants who have been successful at interview and have been provided with a conditional offer to make a confidential disclosure of unspent criminal convictions. Only the details for the successful candidate will be requested and if necessary subject to a review process. The information will be used to inform the overall assessment as to their suitability for the role, only where it is relevant.

## **6.1 'Non-Excepted Employment' Posts**

The majority of posts at CCGBC are considered non-excepted posts. The preferred candidate for a non-excepted post, following a successful interview and during the conditional offer stage of the recruitment process, will be asked to complete a 'Disclosure of Criminal Convictions – Not Excepted' form (Appendix 1) to provide details in respect of their convictions which are 'unspent.' Candidates will be given the appropriate form and any other relevant information, with instructions on how to complete and return. Completed disclosure forms should be returned in a sealed confidential envelope to the nominated OD/HR Officer.

Candidates will have the opportunity to put their offence/s into context, to explain the circumstances and have the opportunity to state how their circumstances and attitudes towards their offences have changed. This information is useful when determining whether the criminal record is relevant to the recruitment decision and helps inform assessments.

Generally, non-excepted posts do not require an Access NI check, however, Council reserve the right to verify any information candidates provide by conducting a basic Access NI check.

## **6.2 'Excepted Employment' Posts**

Specific posts at CCGBC are considered excepted employment posts as provided by the Rehabilitation of Offenders (Exceptions) (NI) 1979, to include posts which involve:

- Working with children
- Working with vulnerable adults
- The administration of justice i.e., solicitors
- Positions in Finance which are regulated by the Financial Services Authority
- Positions within the security industry/regulated by SIA

The preferred candidate for an excepted post, following a successful interview and during the conditional offer stage of the recruitment process, will be asked to complete a 'Disclosure of Criminal Convictions – Excepted' form (Appendix

2) to provide details in respect of their convictions which are both 'spent' and 'unspent.'

Council are also required to conduct a Standard Access NI check for all preferred candidates for excepted posts.

### **6.3 Regulated Posts**

Many posts which involve working with children or adults at risk of harm and/or adults in need of protection, are categorised as 'Regulated Activity' as defined by the Safeguarding Vulnerable Groups (NI) Order 2007. Regulated activity includes unsupervised teaching, training, instructing, care, supervision, guidance in respect of children, and must be done regularly i.e., once per week, 4 times per month or overnight.

The preferred candidate for a regulated post, following a successful interview and during the conditional offer stage of the recruitment process, will be asked to complete a 'Disclosure of Criminal Convictions – Excepted' form to provide details in respect of their convictions which are both 'spent' and 'unspent.' These candidates are also required to declare if they are currently subject to inclusion on the Children's or Vulnerable Adults barred list.

Council is also required to conduct an Enhanced Access NI check for all preferred candidates for regulated posts.

### **6.4 Disclosure Certificates – Access NI**

#### **Access NI Disclosure**

Access NI is a criminal history disclosure service in Northern Ireland, supplying criminal history information to organisations and individuals on three levels of 'Criminal Record Check,' i.e., Basic, Standard, and Enhanced Disclosures. Further information on the levels of checks can be found at Appendix 7.

An Access NI Enhanced Disclosure with Barred List Check is required for employees and volunteers in posts designated as regulated activity i.e., those posts which work with children and young people or vulnerable adults (as defined under the Safeguarding Vulnerable Groups (NI) Order 2007, as amended by the Protection of Freedoms Act 2012).

Therefore, before advertising a post or volunteering role within Council or contacting Council's recruitment and selection agency, Council will determine if the post falls into the category of regulated activity.

Council will request an Access NI Disclosure only where this is considered proportionate and relevant to the position, in line with Council Safeguarding policies and relevant legislation. This will be based on a thorough risk assessment of the position and having considered the relevant legislation which determines whether or not a Standard or Enhanced Disclosure is available to the position. The level of check required will be determined at the beginning of

the recruitment process and this will allow Council to ensure that individuals who might be a risk to children, young people or adults at risk are not appointed.

As part of Council's commitment to safeguarding children and adults at risk we undertake 'Safer Recruitment' when recruiting to all posts for children and adults at risk which require an enhanced Access NI check. An enhanced check for a post which includes 'regulated activity' will include a check with the Disclosure and Barring Service (DBS), which keeps lists of people who are unsuitable for work with children and adults. These procedures are in place to screen out those who are not suitable to work with children, young people and adults at risk.

Where necessary, all applicants will be made aware at the initial recruitment stage that the post will be subject to a disclosure and successful candidates will be required to undertake an appropriate check. During the recruitment process, if a candidate has been given a conditional offer for a relevant post, candidates must provide consent for the relevant Access NI check. Council is not currently a registered body and works with an external organisation to act on Council's behalf as an umbrella organisation to carry out Access NI checks. Candidates will be reminded that if there is any failure to comply with this process, Council cannot consider an application further.

In accordance with GDPR, Access NI checks will be returned directly to the candidate, who should then provide this to ODHR. The candidate's suitability for working in a regulated post will then be assessed. Council will not confirm any offer of employment in a regulated position until it is satisfied with the results of the Access NI check.

Candidates are entitled to raise a dispute within 90 days of the certificate being issued by Access NI if they believe the information disclosed on the certificate is not proportionate or relevant to the role being applied for. Information regarding disputes can be found at [www.nidirect.gov.uk/articles/disputing-accessni-certificate](http://www.nidirect.gov.uk/articles/disputing-accessni-certificate).

#### **6.4.1 Identification**

Candidates will be required to complete an Access NI Application Form, where it is necessary to produce evidence of their identification as specified by Access NI. Council will provide guidance on the type of identification necessary.

#### **6.4.2 Agency Workers**

Council will ensure that all regulated posts undertaken by agency will be subject to the same Access NI checks as Council employees.

#### **6.4.3 Volunteers**

Some volunteer roles may involve activity where there is unsupervised access to children and adults who are at risk of harm. Council will ensure that all regulated posts undertaken by volunteers will be subject to the same Access NI checks as Council employees.

## 7 REVIEWS OF CONVICTIONS/DISCLOSURES

Where a conviction is disclosed, or information provided by Access NI as per Section 6.4, a Disclosure Assessment Panel, consisting of three people, balanced in relation to gender and community background, will review the information to determine if the conviction declared is considered materially relevant to the role.

It is important that the range of duties and responsibilities of the post are set out so that it is possible to form a view about what kinds of offending behaviour would give rise to most concern in the setting. When considering conflict related offences particular consideration should be given to Employers' Guidance issued by the Office of the First Minister and Deputy First Minister 'Recruiting People with Conflict-Related Convictions' (Appendix 6).

The panel, will consider the following factors:

- When the offence occurred and whether there has been a significant period with no convictions. Given the lengthy rehabilitation periods, even unspent convictions may have occurred quite a long time ago.
- The seriousness of the offence. This is often more accurately reflected in the sentence or penalty imposed than the title of the offence.
- The frequency of offending and whether there is a pattern of repetition, or the offence relates to a single incident.
- The person's circumstances at the time. The offence may relate to a particular period in an individual's life, or their circumstances have changed.
- Whether the role they've applied for will put them at risk of reoffending.

When considering the applicant's conviction/s consideration should be given to whether certain convictions may be more relevant to certain posts than others. For example, an applicant that has been convicted of a minor motoring offence may not be considered suitable for a post that involves driving. However, this conviction may not be as relevant if an applicant who has a similar conviction applies for an administrative position.

If the panel decision is that the disclosure is not materially relevant, appointment to the post can be confirmed, pending all other conditional offer requirements being satisfied.

If the panel considers that the disclosure could be materially relevant to the post, incompatible with the post or put the applicant's role or the organisation at risk, consideration will be given to meeting with the candidate for discussion on whether risks could be mitigated or managed. Following this meeting if the panel continues to consider that the disclosure is relevant or incompatible with the post, their decision will be communicated, and the conditional offer withdrawn. The candidate will be offered a right of appeal, which will be heard by a manager of an appropriate level.

Details of the review process, including the reasons for the decision to withdraw the conditional job offer, should be recorded in writing, signed off by the panel and held with the relevant recruitment file. Feedback can also be provided to the candidate on why their criminal record prevented them from getting the job to help them in their future job search. It is important to reassure candidates that personal data will not be shared, in accordance with data protection requirements.

## **8. INFORMATION SECURITY**

Council will ensure compliance with all relevant legislation including GDPR UK and Access NI's Code of Practice, regarding the safe and appropriate handling, usage, storage, retention and disposal of conviction and disclosure information.

Information contained will be treated in strict confidence and will only be shared with a Disclosure Assessment Panel if it is deemed necessary to review a disclosure. Disclosure information is only shared with those officers with authorisation as necessary to fulfil Council's legal obligations. Disclosure of Criminal Convictions forms completed by applicants will be destroyed once the recruitment process has been completed, however Council may keep a secure record of the date of issue of a Disclosure, the name of the subject, the type of disclosure requested, the Access NI unique reference number of the Disclosure Certificate and the details of the recruitment decision taken.

## **9. CONFIDENTIALITY**

The unauthorised disclosure of information about a spent conviction is illegal. Unauthorised disclosure is where an officer with access to information about an individual's criminal record discloses this information other than in the course of official duties. Serious misuse of an individual's criminal record could result in disciplinary action under Council's Disciplinary Policy and potential legal action.

## **10. COUNCIL EMPLOYEES**

Following appointment, employees have a responsibility to report any relevant changes of circumstances to their employer as set out in their Main Statement of Terms and Conditions and in accordance with the Councils Code of Conduct. This includes any criminal investigations, convictions, or warnings they may become the subject of, or any other relevant information which a reasonable employer might consider impacting on the employment of that individual.

Employees should always discuss with their line manager any difficulties or problems that may impact on their suitability to work with children and adults so that appropriate support can be provided, or action taken. Failure to disclose convictions may result in disciplinary action.

An existing employee may be asked to complete a Disclosure form or completed an Access NI check if for example they move to an 'excepted' post or a post considered to involve 'regulated' activity, in accordance with Council policy. Refusing to comply with such a request may result in an offer of conditional employment being withdrawn or the employee being subject to

formal disciplinary action for deliberate and/or unreasonable refusal to carry out lawful safe instruction.

Confidentiality cannot be guaranteed where concerns arise about the welfare of safety of children or adults, but any information sharing will be in accordance with relevant legislation and policy and only as is necessary in the circumstances.

## **11. EVALUATION AND REVIEW OF THE POLICY**

This policy will be reviewed on a regular basis to ensure that it meets the needs of Council and to ensure compliance with relevant legislation. If required, the Policy will be reviewed in conjunction with Council recognised Trade Unions.

## **12. SECTION 75 EQUALITY AND GOOD RELATIONS**

Council is fully committed to meeting its obligations in relation to Equality and Good Relations under Section 75 of the Northern Ireland Act. In this regard this policy will be screened using Section 75 guidelines and will be subject to an Equality Impact Assessment if found necessary as a result of the screening process.

## **13. CONTACT DETAILS**

Any issues or queries relating to this policy should be addressed to:

OD/HR Department  
Causeway Coast and Glens Borough Council  
Cloonavin  
66 Portstewart Road  
COLERAINE  
BT49 1EY

## Appendix 1



**Causeway  
Coast & Glens  
Borough Council**

**For office use only:-**

Job Ref \_\_\_\_\_ S/ \_\_\_\_\_

Applicant Number \_\_\_\_\_ E \_\_\_\_\_

### **DISCLOSURE OF CRIMINAL CONVICTIONS**

(to be completed for posts which are NOT 'Excepted Employment' positions)

Applicant Name: \_\_\_\_\_

Job Ref: \_\_\_\_\_

Job Title: \_\_\_\_\_

**Please read this information carefully.**

#### **Statement of Non-Discrimination**

Causeway Coast and Glens Borough Council is committed to equal opportunity for all applicants including those with criminal convictions. Information about criminal convictions is requested to assist the selection process and will be taken into account only when the conviction is considered relevant to the post.

Any disclosure will be seen in the context of the job criteria, the nature of the offence and the responsibility for the care of existing clients/customers and employees.

#### **Question**

Below, you are asked to disclose any criminal convictions except those which are considered "SPENT" under the Rehabilitation of Offenders (NI) Order 1978. Having unspent convictions will not necessarily debar your application from being considered. To decide if your conviction is "SPENT", please refer to the enclosed information.

#### **Advice to applicants**

You should read the enclosed document 'Information on the Rehabilitation of Offenders (NI) Order 1978' carefully before completing the following.

You should then complete this disclosure form as accurately as possible and **return in the 'Confidential' envelope provided**. Arrangements will be made with you if clarification is required on any information provided.

**Criminal Conviction Disclosure Forms completed by applicants will be destroyed once the recruitment process has been completed.**

Thank you for your co-operation.

**Please complete form overleaf**

**Convictions**

Based on the information contained in the enclosed document 'Information on the Rehabilitation of Offenders (NI) Order 1978' leaflet, **do you have any criminal convictions which are NOT considered to be "SPENT"?**

No

Yes

If 'Yes', please provide details below:-

Date of conviction	Offence	Sentence

Please provide any other information you feel may be of relevance such as:

- The circumstances of the offence;
- A comment on the sentence received;
- Any relevant developments in your situation since then;
- Whether or not you feel the conviction has relevance to this post.

*Please continue on a separate page, if necessary.*

I declare that the information provided above is complete and correct to the best of my knowledge.

Signed: \_\_\_\_\_

Date: \_\_\_\_\_

## Appendix 2



**Causeway  
Coast & Glens  
Borough Council**

**For office use only:-**

Job Ref \_\_\_\_\_

Applicant Number \_\_\_\_\_

**DISCLOSURE OF CRIMINAL CONVICTIONS**  
(to be completed for posts which are 'Excepted Employment' positions)

Applicant Name: \_\_\_\_\_

Job Ref: \_\_\_\_\_

Job Title: \_\_\_\_\_

**Please read this information carefully.**

**Statement of Non Discrimination**

Causeway Coast and Glens Borough Council is committed to equal opportunity for all applicants including those with criminal convictions. Information about criminal convictions is requested to assist the selection process and will be taken into account only when the conviction is considered relevant to the post.

Any disclosure will be seen in the context of the job criteria, the nature of the offence and the responsibility for the care of existing clients/customers and employees.

You have applied for a post which is a **Regulated Position** as defined by the **Safeguarding Vulnerable Groups (NI) Order 2007** and also **falls within the definition of an 'excepted' position** as provided for in the Rehabilitation of Offenders (**Exceptions**) Order (NI) 1979 – this means that ALL convictions including SPENT convictions MUST be disclosed. Having a conviction will not necessarily debar your application from being considered. This information will be verified through an appropriate **Access NI Standard or Enhanced Disclosure Check**. If you have received a formal caution or are currently facing prosecution for a criminal offence you should also bring this to our attention given the "excepted" nature of the role (**EDC's only**).

**Advice to applicants**

You should read the enclosed document 'Information on the Rehabilitation of Offenders (NI) Order 1978' carefully before completing the following.

You should then complete this disclosure form as accurately as possible and **return in the 'Confidential' envelope provided**. Arrangements will be made with you if clarification is required on any information provided.

**Criminal Conviction Disclosure Forms completed by applicants will be destroyed once the recruitment process has been completed.**

Thank you for your co-operation.

**Please complete form overleaf**

**Convictions**

Based on the information contained in the enclosed document 'Information on the Rehabilitation of Offenders (NI) Order 1978' leaflet, **do you have any criminal convictions which are NOT considered to be "SPENT"?**

No

Yes

If 'Yes', please provide details below:-

Date of conviction	Offence	Sentence

Please provide any other information you feel may be of relevance such as:

- The circumstances of the offence;
- A comment on the sentence received;
- Any relevant developments in your situation since then;
- Whether or not you feel the conviction has relevance to this post.

*Please continue on a separate page, if necessary.*

I declare that the information provided above is complete and correct to the best of my knowledge.  
I understand that, prior to appointment, Causeway Coast and Glens Borough Council will carry out an Access NI Standard or Enhanced Disclosure check and hereby consent to such check being made.

Signed: \_\_\_\_\_

Date: \_\_\_\_\_

## Appendix 3

### Summary of Rehabilitation of Offenders legislation

#### The Rehabilitation of Offenders (NI) Order 1978

The following sentences become spent after fixed periods from the date of conviction. If a conviction is spent, an applicant does not have to mention it, even when asked, unless applying for a post which is 'excepted' under this legislation.

Sentence	Aged 18 or over at conviction	Under 18 years at conviction
Absolute Discharge	6 months	
Probation Order, Bind Over, Conditional Discharge, Care/Supervision Order	Date Order ceases OR 1 year – whichever longer	
Attendance Centre Order Juvenile Justice Centre Order Youth Conference Order, Reparation Order, Community Responsibility Order	1 year after Order expires	
Hospital Order	5 years (after date of conviction) or 2 years after Order expires – whichever is longer	
Fine or Community Service Order Combination Orders	5 years	2 ½ years
Prison – (immediate or suspended) OR Young Offenders Centre – sentence of 6 months or less	7 years	3 ½ years
Prison – (immediate or suspended) OR Young Offenders Centre over 6 months up to and including 2 ½ years	10 years	5 years
A period of detention of less than 6 months under Article 45 of the CJ (Children) (NI) Order 1998	N/A	3 years
A period of detention over 6 months but less than 30 months under Article 45 of the CJ (Children) (NI) Order 1998	N/A	5 years
<b>NB: A custodial sentence of more than two and a half years can never become spent</b>		



- Consecutive prison sentences count as a single term when calculating the rehabilitation period.
- If more than one sentence was imposed for an offence, the longer rehabilitation period applies.
- If a person receives new conviction during rehabilitation period:
  - for a summary offence (i.e. can only be tried at Magistrates Court) both rehabilitation periods expire separately;
  - for a more serious offence (i.e. which **could** be tried at the Crown Court) **neither** conviction will become spent until longest period expires.
- Cautions, informed warnings and diversionary youth conferences are not considered to be convictions and become 'spent' immediately unless relevant to 'excepted' posts.
- A spent conviction will remain on a criminal record.
- A spent conviction will remain on a criminal record but will not be routinely disclosed unless deemed relevant and proportionate to the role being applied for.

It is an offence for anyone to give information about spent convictions from official records except in the course of official duties.

**For confidential advice or information please contact NIACRO's Employment Advice Line on Tel: 028 9032 0157 or via email [disclosure@niacro.co.uk](mailto:disclosure@niacro.co.uk).**

**The Rehabilitation of Offenders (Exceptions) Order (NI) 1979**  
**(amended by 1987, 2001, 2003, 2009, 2012 and 2014 Orders)**

A range of occupations are exempt from the legislation. For these posts, applicants must disclose information on both spent and unspent convictions in addition to cautions, information warnings or diversionary youth conferences that are not subject to filtering.

Work that involves contact with children and young people or adults in a particular capacity or carrying out a specified activity: e.g. teaching, training, instructing, caring for supervising children in childcare or adults in health and social care.

Professionals that are regulated by law: e.g. medical practitioner, nurse, chemist, optician, accountant, manager of an insurance company.

Posts involving national security: e.g. security personnel or senior civil service posts.

Posts concerned with administration of justice: e.g. police officers, solicitors, probation officers, traffic wardens, judges, prison officers.

## Appendix 4

### Filtering Guidelines

Filtering was introduced in Northern Ireland in April 2014. This means that some old and minor offences **may** no longer be subject to disclosure on Standard and Enhanced Access NI Checks.

You do not need to give us details of any criminal history information that may be subject to filtering.

The following timescales for filtering apply from the date the conviction or disposal was given. If you need additional guidance on disclosure information you can see advice from NIACRO.

<b>Disposal</b>	<b>Aged 18 or over at time of issue/conviction</b>	<b>Aged under 18 at time of issue/conviction</b>
Conviction for <b>non-specified offence</b>  (NB only applies if there are no other convictions on the persons record)	11 years from date of conviction	5 ½ years from date of conviction
Caution/diversionary youth conference for <b>non-specified offence</b>	6 years from date of issue	2 years from date of issue
Informed warnings for <b>non-specified offences</b>	1 year from date of issue	1 year from date of issue
Diversionary Youth Conference Orders for <b>non-specified offence</b>	N/A	2 years after completion of the order
Conviction or caution, diversionary youth conference or informed warning for <b>specified offence</b>	Will not be filtered	Will not be filtered
Conviction resulting in custodial sentence (including suspended sentence) regardless of offence	Will not be filtered	Will not be filtered

'Specified Offences' including serious, sexual or violent offences or those relevant to safeguarding are exempt from filtering.

For a full list of specified offences, which are exempt from filtering, visit:

<http://www.dojni.gov.uk/index/accessni/disclosures/filtering.htm>

## Appendix 5

### Excepted Employment

The Rehabilitation of Offenders (Exceptions) Order (NI) 1979 (amended 1987, 2001, 2003, 2009, 2012 and 2014) overrules the rights otherwise guaranteed by the 1978 Order. Therefore, someone with a conviction must disclose information on both spent and unspent convictions in addition to cautions, informed information warnings or diversionary youth conferences that are not subject to filtering; provided that an employer asks the question, and they clearly indicate that the post is an excepted one.

Excepted posts and occupations include:

- Judicial appointments
- Employment in the office of the director of Public Prosecutions.
- Justices' clerks and justices' clerks' assistants.
- Constables, police trainees, military, naval and air force police and certain posts involving police work or assisting the police.
- Personnel working in the Service Fraud Office, the National Crime Squad, the National Crime and Intelligence Service, HM Revenue and Customs and the office of the Police Ombudsman for Northern Ireland.
- Employment in the Prison service, including appointment to an Independent Monitoring Board
- Traffic Wardens
- Probation officers
- Employment connected with the provision of social services which involves access to young people, older people, people with physical or intellectual disabilities, people with mental health problems or chronic health conditions.
- Controller appointed by the Office of Care and protection.
- Employment concerned with the provision of health services within the National health Service or otherwise, which involves patients.
- Firearms dealer.
- Any occupation requiring a licence, certificate, or registration from the Gaming Board.
- Director, controller or manager of an insurance company.
- Director or other officer of a building society
- Childminder, foster parent, day care provider, social care worker
- Occupations under the control of the Financial Conduct Authority and listed bodies in the Financial Services and Markets Act 2000, Payment Service Regulations 2009 and the Electronic Money Regulations 2011
- Investment company director
- Any member of a UK recognised investment exchange or UK recognised clearing house
- Any occupation concerned with the running of a private hospital or nursing home
- Any person or authorised (or subsidiary) company carrying out duties for or on behalf of the Civil Aviation Authority to provide air traffic services.

- National Lotter Commission Personnel and Lottery License Holders/Proprietors.
- Any occupation for which a certificate of fitness to keep explosives is required
- Medical practitioner
- Barrister
- Solicitor/European lawyer
- Chartered Accountant, certified accountant
- Chartered psychologist
- Teacher
- Dentist, dental hygienist, dental auxiliary
- Veterinary surgeon
- Nurse, midwife
- Ophthalmic optician, dispensing optician
- Pharmaceutical chemist
- Any profession to which the professions supplementary to the Medicine Act 1960 applies and which is undertaken following registration under that Act, e.g. physiotherapists, radiographers
- Taxi Drivers
- Posts regulated by the Security Industry Authority, namely door supervisors, cash and valuables in transit, close protection public space surveillance (CCTV operatives), security guards, key holders and immobilisation, restriction and removal of vehicles (car clampers).
- Positions covered by the Safeguarding Vulnerable Groups (NI) Order 2007 as amended by the Protection of Freedoms Act 2012.
- Persons working in Access NI
- People working in or managing registered establishments e.g. residential care homes, nursing homes, independent clinics, independent hospitals and independent medical agencies.

## Appendix 6

### **OFMDFM's Employers' Guidance for recruiting people with conflict-related convictions**

The key principles of this guidance are:-

- the fact that an applicant has a conflict-related conviction should not play a part until the individual has successfully gone through a selection process;
- conflict-related convictions that pre-date the Good Friday Agreement (April 1998) should not be taken into account by the employer unless it is materially relevant to the employment being sought;
- the onus of proof is on the employer to show material relevance;
- the seriousness of the offence is not in and of itself enough to make a conviction materially relevant;
- it will only be in very exceptional circumstances that a conviction will be materially relevant;
- if an employer considers that the preferred candidate's conflict-related conviction may be materially relevant to the post, the candidate should be given the opportunity to state his/ her case in terms of how the conviction is not materially relevant;
- if an employer decides not to offer employment on the basis of materially relevant conviction/s, the employer should explain the reasons for his/ her decision to the candidate; and
- an applicant who is denied employment on the grounds that a conviction is materially relevant has a right of appeal to a tripartite non-statutory review panel. Membership of this review panel will comprise a representative from each of the following: CBI; Trade Unions; and Government and officials from the NI Executive Office will provide Secretariat Support to the panel.

## Appendix 7

### Information on ACCESS NI

Access NI is a system for the disclosure of an individual's criminal history. It has been established by the Northern Ireland Office as a result of the introduction in NI. of Part V of the police Act 1997. It replaces the POCVA NI service that was provided by DHSSPS.

It provides access to criminal history information for individuals and, in certain circumstances, to organisations who are recruiting to sensitive positions to make more informed recruitment decisions.

Please note, Access NI have produced a code of practice; a copy of this can be made available to you on request.

There are 3 levels of disclosures:

#### **Basic Disclosure**

This is a copy of a person's UNSPENT criminal convictions or states that no convictions were found. This service is available to individuals who apply for their own record.

#### **Standard Disclosure**

These are primarily for posts that involve working with children or adults at risk of harm and/or adults in need of protection. Standard Disclosure Certificates may also be required for people entering certain professions such as members of the legal and accountancy professions and contains details of all convictions held on the police systems including spent and unspent convictions as well as details of any cautions reprimands or final warnings.

#### **Enhanced Disclosure**

This will provide NI and GB criminal record information held on an individual, including spent and unspent convictions, cautions and any other material, sometimes known as soft intelligence. (Information held by the police which does not relate specifically to a conviction, but which may be considered to be relevant to the position applied for). An Enhanced Disclosure will also provide DBS Children's Barred List and DBS Vulnerable Adults' Barred List information. Only organisations registered with Access NI can apply for this service. (Note-ISA now known is DBS)

#### **Regulated Position**

All regulated activity positions with children and adults at risk as defined under the Safeguarding Vulnerable Groups (NI) Order 2007, are subject to an Enhanced Disclosure and Barred List information.

**For further information on ACCESS NI please contact**

**Access NI  
PO Box 1085  
BELFAST BT5 9BD**

**Telephone: 0300 200 7888**

**Email: [ani@accessni.gov.uk](mailto:ani@accessni.gov.uk)**

**Online: [www.nidirect.gov.uk/access-ni](http://www.nidirect.gov.uk/access-ni)**

## Appendix 8

### Definitions of 'Regulated Activity' - Children

The new definition of regulated activity in relation to children comprises, in summary.

1. **Unsupervised activities:** teaching, train, instruct, care for or supervise children or provide advice/ guidance on well-being, or drive a vehicle only for children.
2. **Specified places:** includes work for a limited range of establishments, with opportunity for contact, for example, schools, children's homes, childcare premises, children's hospital. It does not include supervised volunteers.

**No establishments within Council are considered 'specified places', as defined above.**

3. **Regularly:** work under 1 or 2 is regulated only if done regularly (see definition below).

For the purpose of 'regulated' posts within Council 'regularly' is defined as '**once a week, every week or more**' or on '**four or more days in a 30-day period, or overnight**'.

Posts which involve the day-to-day management/ supervision on a regular basis of a person who provides regulated activity are also regulated activity (including management of those people who would be in regulated activity if not for the supervision exemption).

Individuals, who go into different schools or equivalent settings to work with different groups of children, will not be considered to be working in 'regulated activity' unless their contact with the same children is regular, as defined above. For example, posts in Council where individuals go into schools across the Borough to deliver talks do not meet the definition of regulated activity as they visit a number of different schools but do not work regularly in the same school with the same children or vulnerable adults.

**Please note, a child is defined as anyone under the age of 18.**

### Adults

Adults are no longer described as 'vulnerable'. The new definition of regulated activity for adults identifies the following six activities that, if any adult requires them, lead to that adult being considered vulnerable at that specific time:

1. Providing healthcare
2. Providing personal care
3. Providing social care
4. Assistance with general household matters
5. Assistance in the conduct of a person's affairs; or
6. Conveying

## Appendix 9

### Template for Applicant Disclosure Meeting & Assessing Relevance Guidelines

	<p>Thank (name of individual) for attending the interview and introduce everyone present (including name, job title and their role within the recruitment process).</p> <p>Assure the applicant that anything discussed throughout the meeting will be treated in the strictest confidence.</p> <p>Advise that a record note will be taken of the interview.</p>
	<p>Advise the applicant that due to the nature of the post they have been recommended to e.g. community centre supervisor etc involves substantial access to children and adults at risk and falls under the definition of 'regulated activity' under the Safeguarding Vulnerable Groups Act (2006) and Safeguarding Vulnerable Groups NI Order (2007) Advise that the Council has a duty of care to service users, clients and staff within the premises to ensure that they are not put at risk in any way and this therefore requires the Council to conduct an Access NI Check</p> <p><b>OR</b></p> <p>Advise the applicant that the criminal conviction they declared on the 'Disclosure Form' may have a material impact upon the post they have been offered (e.g. an individual with a criminal conviction for joy riding or car theft being recommended for appointment to a driving post or fraud in relation to a finance post etc).</p>
	<p>Explain that the purpose of this meeting is to clarify the exact details in respect of:</p> <p><b>(a)</b> The information obtained from the Access NI in respect of the criminal conviction check. This may be a case pending or convictions which have or have not been declared on the Disclosure Form etc.</p> <p><b>OR</b></p> <p><b>(b)</b> The information they provided on the disclosure form at pre-employment stage in respect of their criminal convictions. (Nb. If an applicant declares a conviction, it can be discussed, even if it was not disclosed via an Access NI check. E.g. a spent conviction.)</p>
	<ul style="list-style-type: none"> <li>• If applicable, explain what the information obtained from the Access NI check has identified. This may be a case pending or convictions which have or have not been declared on the Disclosure Form etc.</li> <li>• If applicable, verify that the information received from the PSNI, Criminal Records Office relates to the applicant. In order to do this, ask the applicant to confirm his/her name, address, national insurance number and date of birth.</li> </ul>

	<ul style="list-style-type: none"> <li>• If applicable, ask why the applicant failed to disclose this information on the Disclosure Form.</li> </ul>
	<ul style="list-style-type: none"> <li>• Ask the applicant relevant questions in respect of the nature/details of the case or conviction including dates, how old they were at the time etc.</li> <li>• If applicable, for instance, if they have a case pending, ask if they have been to court.</li> </ul>
	<ul style="list-style-type: none"> <li>• If applicable, ask if they are still on probation. If so, when do visits happen and where? Do they happen outside of the work place? Do they conduct unplanned visits? Have they attended all meetings with their probation officer? Ask if you can speak to their probation officer with consent?</li> </ul>
	<ul style="list-style-type: none"> <li>• If they have been in a Young Offenders Centre or other Prison Establishment. Were they involved in any programmes there? What does the programme involve?</li> </ul>
	<p>If applicable, ask if they have had any contact with support services, such as NIACRO (Northern Ireland Association for the Care &amp; Resettlement of Offenders)? Are they on any of their Employability Programs? If so, what do these involve?</p>
	<ul style="list-style-type: none"> <li>• Ask if there have been any relevant developments in their situation since.</li> <li>• Ask whether or not they themselves feel it has any bearing on their suitability for the post</li> <li>• Give applicant the opportunity to discuss concerns/queries.</li> <li>• Inform applicant that the information needs to be assessed in terms of the relevance and risks involved in their capability to fulfil the duties of the post.</li> <li>• Inform applicant that you will be in touch in due course, when decision has been made.</li> <li>• Finally, thank applicant once again for attending the meeting.</li> </ul>

### **Assessing Relevance Guidelines**

<p><b><u>Motoring Offences</u></b></p> <ul style="list-style-type: none"> <li>• Excess Speed</li> <li>• No driving licence</li> <li>• Careless/dangerous driving</li> <li>• Driving whilst unfit with drink or drugs</li> <li>• Driving whilst disqualified</li> <li>• Causing death by dangerous driving</li> <li>• Taking and driving away</li> </ul>	<p><b><u>Assessing Relevance</u></b></p> <p>Is there a responsibility to drive passengers on behalf of Council? Is driving an essential task?</p>
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<p><b><u>Offences of Dishonesty</u></b></p> <ul style="list-style-type: none"> <li>• Taking a vehicle without owner's consent</li> <li>• Making off without payment</li> <li>• Obtaining property by <ul style="list-style-type: none"> <li>- Deception</li> <li>- Theft/shoplifting</li> <li>- Fraud</li> <li>- Counterfeiting</li> <li>- Burglary</li> </ul> </li> </ul> <p><b><u>Public Order and Damage to Property</u></b></p> <ul style="list-style-type: none"> <li>• Jaywalking</li> <li>• Disorderly behaviour</li> <li>• Riotous behaviour</li> <li>• Indecent behaviour</li> <li>• Intimidation</li> <li>• Harassment</li> <li>• Criminal damage</li> <li>• Endangering life</li> <li>• Malicious damage</li> <li>• Arson</li> </ul> <p><b><u>Drugs</u></b></p> <ul style="list-style-type: none"> <li>• Importing controlled drugs</li> <li>• Possessing controlled drugs</li> <li>• Possession with intent to supply</li> <li>• Producing controlled drugs</li> <li>• Supplying drugs</li> </ul> <p><b><u>Offences of Violence</u></b></p> <ul style="list-style-type: none"> <li>• Common assault</li> <li>• Assault occasioning actual bodily harm</li> <li>• Malicious wounding</li> <li>• Grievous bodily harm</li> <li>• Manslaughter</li> <li>• Murder</li> <li>• Kidnapping/false imprisonment</li> <li>• Cruelty to person under 16 years</li> <li>• Robbery</li> <li>• Armed robbery</li> </ul> <p><b><u>Sexual Offences</u></b></p> <ul style="list-style-type: none"> <li>• Indecent behaviour</li> </ul>	<p>Does the post involve responsibility for cash or for the administration of accounts? What administration checks and balances are already in place?</p> <p>Are there any particular concerns in the work place in regard to health and safety? Would the postholder have specific responsibility for equipment/property?</p> <p>Will the person be required to operate machinery? Is there access to any substances that could be abused? Would other employees be at risk? Are there child protection concerns?</p> <p>Does the post involve contact with the public? Are there aspects of the job that are particularly demanding or stressful?</p> <p>Is the nature of the offence understood?</p>
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<ul style="list-style-type: none"> <li>• Indecent exposure</li> <li>• Indecent assault (adult/child)</li> <li>• Buggery</li> <li>• Gross indecency(with child)</li> <li>• Unlawful carnal knowledge</li> <li>• Internet pornography</li> <li>• Rape</li> </ul>	<p>Does the post involve contact with children or adults at risk?</p> <p>Does the post present opportunity for access to potential victims?</p> <p>What child protection procedures are already in place?</p> <p>Would other employees be at risk?</p> <p>Will the person have managerial responsibilities?</p>
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## Alcohol, Drugs and Substance Use Policy

Policy Number	CCG/7/19
Version Number	0.1
Author	

Screening Requirements			
<b>Section 75 Screening</b>	Screening Completed:	Yes/No	Date:
	EQIA Required and Completed:	Yes/No	Date:
<b>Rural Needs Assessment (RNA)</b>	Screening Completed	Yes/No	Date:
	RNA Required and Completed:	Yes/No	Date:
<b>Data Protection Impact Assessment (DPIA)</b>	Screening Completed:	Yes/No	Date:
	DPIA Required and Completed:	Yes/No	Date:

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DRAFT

## 1. INTRODUCTION

This policy reflects Council's desire to promote and maintain the health, safety and wellbeing of our employees. However, alcohol, drug and substance use and misuse can endanger health and render employees incapable of safe working. This may make affected employees a danger to both themselves and others.

Council strives to promote health and wellbeing and aims to provide health information and support focusing on the physical, mental and social wellbeing of employees.

The use and misuse of alcohol and drugs can lead to significant costs and risks in terms of accidents, sickness absence and impaired performance.

The aims of the policy are to:

- Encourage and support employees who have an alcohol, drug and substance use and misuse problem to seek help voluntarily.
- Provide a consistent framework for the management of alcohol, drug and substance use and misuse.
- Prevent the risk of accidents and injuries by employees suffering from the effects of alcohol, drug and substance use and misuse.
- Raise the awareness to employees of the risks of alcohol, drug and substance use and misuse.
- Set out the terms in which alcohol, drug and substance testing may be carried out.
- Define the roles and responsibilities for employees, Line Managers and OD/HR in relation to alcohol, drug and substance use and misuse.
- Provide guidance to Line Managers to support employees when addressing these issues and where required, to appropriately manage unsatisfactory conduct, performance or attendance where alcohol, drug and substance use and misuse is a contributing factor.
- To prevent injury or death of employees, their colleagues or any other person
- To prevent damage to or destruction of Council's assets or equipment, or the property of employees, their colleagues or any other person
- To ensure the safe and efficient provision of Council services

## 2. POLICY STATEMENT

This policy applies to all Council employees, including the Chief Executive. It also includes apprentices, agency workers, casual workers, volunteers, contractors and consultants. The collective term 'employees' will be used throughout this policy to apply to all of the groups listed above.

Council will appoint an external test provider to manage the actual testing process in addition to ensuring that relevant management employees are appropriately trained to assist in the initial stages of testing. Council recognises that alcohol, drug and substance use and misuse may be an illness to be treated the same as any other illness and will offer help to employees for alcohol, drug and substance use and misuse where it is sought voluntarily.

Council recognises that there is also a risk associated with employees using/abusing prescribed medication.

Employees may ask for help, in confidence at any time, and will not be disciplined for seeking help for alcohol, drug and substance use and misuse problems. If an employee is found to have and fails to disclose that they have an alcohol, drug and/or substance use and misuse problems or if they delay disclosure, it may be dealt with under Councils Disciplinary Procedure.

This policy does not form part of an employee's contract of employment and Council may amend it at any time.

*(The policy statement should be signed and dated as follows by relevant Council representatives and Trade Union representatives)*

Signed: \_\_\_\_\_ Date: \_\_\_\_\_

Mayor - Causeway Coast and Glens Borough Council

Signed: \_\_\_\_\_ Date: \_\_\_\_\_

Chief Executive - Causeway Coast and Glens Borough Council

### 3. DEFINITIONS

**Causeway Coast and Glens Borough Council Employee** - an employee is any person under a current contract of employment with Causeway Coast and Glens Borough Council, including temporary and fixed term contracts.

**Council** - is the employing authority and is represented by Management.

**Management/ Line Manager/Head of Service** - are those employees charged with line management responsibility for Council employees and accountable for service provision, administration and implementation of Council's business.

**OD/HR Representative** - is an employee of the OD/HR Department who provides guidance and support in the implementation of this policy.

**Employee/Trade Union Representative** - is a fellow employee of Causeway Coast and Glens Borough Council or an official employed by a Council recognised Trade Union, or a Council recognised lay Trade Union official (who has been reasonably certified in writing by their union as having experience of, or as having received training in, acting as an employee companion).

**Legal Representation - solicitors** and/or professional legal counsel, will not be permitted at any stage of implementation of the Alcohol, Drugs & Substance Use Policy. Council will, however, consider sympathetically accommodating employees who have particular requirements arising from a disability etc.

**Drug Use** (as indicated by the Misuse of Drugs Act 1971) – that which harms social functioning – either dependant use (physical or psychological or use as part of a wider spectrum of problematic or harmful behaviour. This can include both prescription and non-prescription drugs). For clarification, this policy refers to alcohol and drugs throughout which will also incorporate 'other substances.'

**Alcohol Misuse** (as indicated by NHS.uk) is when a person drinks in a way that is harmful, or when dependent on alcohol.

### 4. ACCOUNTABILITIES AND RESPONSIBILITIES

This policy is designed to help employees with ongoing alcohol and drug related problems. It does not apply to employees who behave contrary to proper standards of health and safety and conduct as a result of drinking alcohol to excess on random occasions or through recreational drug use. Such instances will be dealt with in accordance with the normal and recognised disciplinary procedures covering misconduct. This policy does not therefore alter the necessary disciplinary action to be taken in these cases.

If an employee declines to seek help, support or treatment through the provisions of the policy and whose absence or general work performance continues to be unsatisfactory, they will be dealt with under the normal disciplinary procedure.

Council will be alert to the potential of false or malicious allegations being made against employees. If this is identified or believed to be the case then the employee will be offered support and referral for counselling. All internal and external allegations will be fully investigated and any employee making allegations will be required to substantiate their claims. If these allegations are found to be false or malicious the alleging employee will be subject to disciplinary action.

#### **4.1 Corporate Responsibility**

The Chief Executive, on behalf of Council, carries overall responsibility for ensuring the appropriate policies and processes are in place which adequately and appropriately support employees. Council will ensure that any test provider (laboratory) it uses for the purposes of carrying out alcohol and drugs testing is:

- UKAS (or European equivalent) accredited to ISO/IEC 17025:2005; and
- subject to blind analysis testing under an external quality assurance

Senior management will be proactive in supporting employees they believe to have a problem with alcohol, drug and substance use and misuse to seek assistance before it affects their employment prospects.

#### **4.2 Role of Directors**

Directors are responsible for the management of their Directorate. Directors are also responsible for delegating authority to Heads of Service/Line Managers to take action under this policy, as appropriate. Directors are responsible for establishing arrangements to ensure:

- Effective and consistent implementation and use of the policy
- Continued service delivery; and
- Consultation with employees on these arrangements

#### **4.3 Heads of Service and Line Managers**

Heads of Service, Line Managers, supervisors and colleagues are not expected to diagnose alcohol or drug related problems. They are however in a position to recognise impairment of work performance and with appropriate awareness training, they may recognise these signs.

Council cannot knowingly allow any employee under the influence of drugs or alcohol to continue working which may place themselves or others at risk and therefore must ensure they comply with this policy, applying it effectively, fairly and consistently

within their area of responsibility. They must be trained in the policy and take appropriate action when required.

Heads of Service and Line Managers are responsible for establishing arrangements to ensure:

- Awareness of the legal considerations/obligations surrounding alcohol, drug and substance use and misuse, especially the duty to provide a safe workplace (Appendix 2)
- All employees are made aware of this policy and procedure, their rights and their responsibilities, as outlined in the procedures.
- Employees do not undertake duties where there is reasonable cause to suspect they may be under the influence of alcohol, drug and substance use and misuse or impacted by their prescription medication. In these circumstances the Line Manager should liaise with their Head of Service or OD/HR
- They are alert to and monitor changes in performance and attendance, sickness and accident patterns and intervene early where an employee's behaviour shows signs of alcohol, drug and substance use and misuse (including prescribed medications). Where appropriate they should contact OD/HR for assistance and advice
- Sensitivity and confidentiality as far as is legitimately and legally possible when discussing alcohol, drug and substance use and misuse problems with employees
- Familiarity with the evidence, symptoms and behaviours associated with alcohol/drug use and misuse (Appendix 1)
- Consult OD/HR where there is any concern as to the policy/process to be followed.
- Timely referrals to Occupational Health to access available support.
- Records are maintained and retained with information in relation to any incidents involving alcohol, drug and substance use and misuse to ensure actions do not expose Council to any unnecessary financial, legal or contractual risk.

#### **4.4 Role of Organisational Development/Human Resources (OD/HR)**

The Head of OD/HR is responsible for reviewing, updating and amending this policy to reflect changes in legislation or employment practice. OD/HR are responsible for establishing arrangements to ensure:

- Appropriate training to effectively implement the policy and procedure.
- Line Managers and Supervisors who are in a position to recognise impairment of work performance of staff through potential alcohol, drug or substance use will be provided with coaching, training and advice and guidance to ensure full knowledge of the policy including training on:
  - Awareness of the legal considerations/obligations surrounding alcohol, drug and substance use and misuse including the duty to provide a safe workplace.

- Familiarity with the evidence, symptoms and behaviours associated with alcohol/drug use and misuse.
- How to monitor changes in performance and attendance, sickness and accident patterns and intervene early where an employee's behaviour shows signs of alcohol, drug and substance use or misuse
- Appropriate action to take when a concern is identified, including escalation of concerns and the testing process.
- Accurate and confidential record keeping
- Provision of awareness sessions and e-learning for employees on the Alcohol, Drugs and Substance Use Policy
- Co-ordination of referrals to Council's Occupational Health (OH) service when appropriate
- Signpost employees to relevant agencies and support services where they can seek help on alcohol and drug related matters.
- Act as key contact with the external provider carrying out testing.
- The Policy is reviewed and updated as and when necessary to evaluate effectiveness.

#### **4.5 Employee Responsibilities**

Employees must be aware of their responsibilities under Council's Code of Conduct to maintain conduct of the highest standard, such that public confidence in their integrity is sustained. Council expects that all individuals within the scope of this policy arrive at the workplace able to fully and competently undertake their required duties and responsibilities without the influence of alcohol, drugs or other substances, demonstrating the ability to fulfil their obligations to the highest standards.

Any employee who suspects that they have an alcohol or drug related problem may seek help, support or treatment through the Policy by directly contacting their Line Manager, OD/HR or self-refer themselves to Occupational Health (OH). It is noted that any self-referrals to OH are not made in conjunction with management and therefore any action recommended by OH as a result of a self-referral will be the responsibility of the employee.

In addition, employees must:

- Comply with this policy and procedure in a reasonable, constructive and appropriate manner.
- Be aware that if suspected of alcohol, drug and/or substance use and misuse they will be expected to co-operate with management. This will include testing and/or a referral to attend OH.
- Ensure they do not report for work under the influence of alcohol, drug and/or substance use and/or misuse.

- Not consume alcohol, drugs or other substances while at work including during rest or meal breaks or if away from work premises.
- Remember that dealing in or the possession of drugs is a criminal offence and will be reported to the PSNI.
- Avail of opportunities to increase their awareness of the effects of alcohol, drug and substance use on their work and health including completion of scheduled e-learning opportunities.
- Seek help if they are concerned about their own alcohol, drug and substance use and misuse. Support can be accessed through OH via their Line Manager, OD/HR, or directly to an outside agency.
- Confirm with their GP whether any drug(s) they are taking as prescribed or otherwise have notable side effects which may affect their performance, conduct and/or attendance. They should then inform their Line Manager who may request further advice from OH. Employees are not obliged to disclose to their Line Manager the actual medical condition being treated.
- Raise concerns with their Line Manager or OD/HR about a colleague whom they believe may require assistance or advice about their use of alcohol, drug and/or substance use, particularly if their ability to carry out their duties is impacted or there is a health and safety risk to themselves or others.
- Accept responsibility for ensuring and maintaining an improvement in their condition and work performance, where alcohol, drug or substance use concerns have been addressed. Council recognises that achieving this improvement will not always be straightforward and may require some time and the ongoing support of Council and colleagues.

## **5. TRAINING AND INFORMATION**

In order to raise the level of awareness of alcohol, drugs or substance use and misuse in the workplace, and to assist Line Managers and supervisors who may have to deal with this emotive issue, training will be delivered within Council.

## **6. 'WITH CAUSE' ALCOHOL AND DRUGS TESTING**

'With Cause' alcohol and drugs testing may be conducted if a manager has concerns that an employee is currently under the influence of alcohol or drugs, when there is suspected alcohol misuse or drug abuse in the workplace, following any vehicular accident or incident, or after an accident or incident in the workplace, to determine if drugs or alcohol may have contributed to the cause.

Before testing is arranged and conducted this must be immediately discussed and authorised in writing by a Director or Head of Service and a senior OD/HR professional, unless in exceptional circumstances where this is not practicable. The Director or Head of Service and senior ODHR professional will confirm if the Manager Checklist and Witness Checklist have confirmed cause for testing and will provide authorisation as appropriate. Please refer to Appendix 7 for the procedure to follow in contacting a Director, Head of Service and senior ODHR professional and Appendix 8 for a Key Contact List when a concern is raised outside of normal office hours.

Testing may be conducted in the following circumstances:

- Signs that an employee is cognitively or physically impaired due to either alcohol or drugs
- Where that an employee is exerting signs or behaviour of drug abuse or alcohol misuse, such as abnormal behaviour as set out at Appendix 1
- Discovery or possession of alcohol, drugs or associated paraphernalia
- If an individual's actions or omissions may have contributed to a dangerous incident or near miss
- Following a workplace incident, near miss, accident or complaint. An incident may include, but is not limited to, injury to an employee, assault of an employee by another member of staff or damage to property. If post-incident testing is required, it may be recommended that all employees involved are tested.

If a testing process is invoked the employee will continue to be supervised and will remain within a private area deemed suitable for testing.

There will be no prior or written notification of 'With Cause' testing' (behaviour or accident/incident).

- 6.1 Line Managers are required to determine the available facts regarding instances of employees who appear cognitively or physically impaired and implement the screening/testing procedure, where there are concerns about safe working. Where there is reasonable belief that an employee is affected by alcohol or drugs or impacted by their prescription medication, the employee must not be permitted to continue to work.
- 6.2 If there are reasonable grounds to believe that an employee is affected by alcohol or drugs when reporting for, or whilst at work, the Line Manager should express their concerns to the employee privately in the presence of a witness, following the Checklist at Appendix 5. The checklist can be used to establish probable cause by providing example signs and symptoms attributable to the misuse of drugs and alcohol. All concerns should be documented on this

checklist which can then be used to demonstrate why a decision was made. The witness should complete the Witness Checklist as detailed at Appendix 6.

- 6.3 Where appropriate, the Line Manager should inform them of the suspicion that they may be unfit to work through the effects of alcohol or drugs and arrange for them to be relieved from duty immediately. In certain circumstances it may be necessary to arrange for the employee to be relieved from duty before this explanation is given. The employee will then be required to undertake an alcohol and drugs test carried out by the Independent Testing Agency appointed by Council. The test procedure is detailed at Appendix X.
- 6.4 Where Council deems it necessary for an employee to be tested this will always be done with the employee's permission. Where an individual is requested to undertake a test, they will be asked to sign a release giving permission for the result of the test to be passed to their Line Manager.
- 6.5 Prior to any sample being taken, employees will be offered the opportunity to disclose any medication that they have recently taken; however, it is ultimately the responsibility of the employee to disclose to the person collecting a sample, details of any medication that they are taking.
- 6.6 An employee may be accompanied by a work colleague or Council recognised trade union representative during testing. However, if it is not reasonably possible for the nominated representative to be present, or they are not available within a reasonable timeframe, an alternative representative or colleague will be appointed, and testing will continue. The Tester will carry out the testing in accordance with the external provider's guidelines.
- 6.7 Council will appoint an external provider to manage the actual testing process. If the initial test provides positive results the employee will be sent home and potentially suspended from duty in line with the Disciplinary Policy. The Line Manager will advise the employee that they must not drive, and the Line Manager will make appropriate arrangements for the employee to be collected from the workplace or transported home.
- 6.8 If the employee refuses to sign a release and refuses to be screened or tested they will be sent home and/or potentially suspended from duty. In addition, it may result in a disciplinary investigation being initiated based on the information and facts available. Refusal will be considered as a positive test result as if the test record shows a positive result.
- 6.9 Results of all tests will generally be communicated to OD/HR in the first instance who will then advise the appropriate Line Manager. The Line Manager will advise the employee as soon as possible.

## **7. TESTING PROCEDURE**

7.1 The result of the test will be recorded and will be signed by the tester carrying out the test and the employee's Line Manager. The possible outcomes and resulting actions from a test are as follows:

- If the test result is returned as a negative result, the employee will continue to work as normal.
- If the test result is on or exceeds the testing limits as set by the external testing provider, the employee may be subject to disciplinary procedures following a positive confirmation.
- An employee who refuses to undertake testing may be subject to a disciplinary investigation. Refusal to take a test will be considered as a positive test result as if the test record shows a positive result.
- All relevant paperwork i.e., consent, non-consent forms etc. will be supplied by the external test provider.

7.2 All positive readings for alcohol or drugs may result in disciplinary action being initiated.

7.3 If an employee fails a drugs test only, they can request a re-test; however, they will not be asked to provide a new sample as during the original test, two samples are collected. A second test will involve the second sample being tested. The option to request a re-test is only available for a limited period of time (to be advised by the external test provider) and the employee may be required to pay for the second test.

## **8. EMPLOYEE WITH A KNOWN ALCOHOL, DRUG OR SUBSTANCE RELATED PROBLEM**

8.1 Where it is known that an employee has an ongoing problem which is related to alcohol, drug and/or substance use and misuse the Line Manager should immediately meet the employee at the earliest opportunity. Line Managers must contact OD/HR to advise them of their concerns and seek guidance. This initial meeting will be an informal meeting with just the Line Manager and employee in attendance.

8.2 At the informal meeting the Line Manager should explain the reasons for the concern and begin to gather the facts relating to the problem. (*'Guidelines for conducting an interview with an employee who appears to have an alcohol or drug related problem'* is attached in Appendix 3)

- 8.3 Managers must maintain and retain a record of the discussion with the employee in relation to performance and/or conduct regarding their belief that the employee may have a problem with alcohol, drug and/or substance use and misuse. They must advise the employee that they are implementing this policy and provide them with a copy of the policy for their information. They must explain that Council will make every reasonable effort to provide assistance, advice and treatment where appropriate.
- 8.4 Line Managers must then contact OD/HR to refer the employee to OH. The employee's agreement for this referral should be obtained, however this is not essential. Employees are expected to comply with any referral for professional assessment and/or treatment deemed appropriate by OH. The employee will be expected to give their consent to progress reports from their treatment provider being sent to OH. The employee will be signposted to available support.

## **9. REFERRAL FOR DIAGNOSIS/TREATMENT & SUPPORT**

- 9.1 Employees who volunteer that they have an alcohol or drug use and misuse problem (before an incident that triggers implementation of the screening and testing procedure) will be treated as supportively and sensitively as possible. The Line Manager will refer them via OD/HR to OH. Additionally, any employee who suspects that they have an alcohol or drug use, and misuse problem may seek help, support or treatment through the Policy by directly contacting their Line Manager, OD/HR or self-refer themselves to Occupational Health (OH) in confidence. Reasonable requests for time off to obtain support, advice and treatment, which is endorsed by OH, will be granted.
- 9.2 When a problem is identified and the nature of the employee's job is such that to continue to carry out the full range of duties would prejudice the safety of themselves, colleagues or the public, Council will seek recommendations from OH and endeavour to agree with the employee concerned to restrict their duties or seek alternative duties. If neither of these options are practical, the employee will not be allowed to work and will be considered to be off on sick leave. The normal rules and benefits of Council's Occupational Sick Pay Scheme will apply.
- 9.3 In circumstances where an employee is opposed to restricted duties, alternative duties or sick leave as a result of OH recommendations, Council may consider medical suspension where they are not able to undertake their normal duties and where no alternative options are feasible.
- 9.4 If a course of treatment is recommended by OH, the employee must complete the course. An independent report will be sought from the treatment provider at this

point. The matter will then be assessed by the Line Manager, in conjunction with OD/HR and OH in light of the report. Council may require supporting medical evidence and independent reports and reserve the right to seek employee consent to contact an employee's GP and/or specialist. If reports indicate that the dependency is under control, the employee may resume their original position. An extended monitoring period, which may include testing at regular intervals, will be identified and confirmed in writing where required.

- 9.5 Should any employee need to undergo treatment requiring time off work they will be given options on the type of leave (such as annual leave or unpaid leave) which could be considered to cover the time off work. If an employee has no other of type of leave available to them, consideration will be given to absence on sick leave and the normal rules and benefits of the Occupational Sick Pay Scheme will apply. Disciplinary action will not be taken because of an absence which is regarded as necessary while an employee is undergoing treatment under the policy.
- 9.6 In addition to Inspire, appropriate help, support and treatment may be available through an independent counselling service.
- 9.7 If the referral to OH is refused, any issues arising in the future may be dealt with under the Disciplinary Procedures.

## **10. RETURN TO WORK**

- 10.1 Where the employee has undertaken treatment, a return to work can be facilitated after OH has advised of fitness. Any return to work will be conditional on the employee complying with the policy, agreeing to any appropriate treatment and review, and all outstanding issues having been addressed.
- 10.2 A timetable on method of review and monitoring should be discussed with OH and agreed with the employee. This should form a condition of their return. The review will be for an appropriate period of time, which may be guided by OH recommendations. During this time, the employee's compliance and progress will be monitored.
- 10.3 Employees are encouraged to avail of the treatment and support available. Council acknowledges that relapse is a possibility; should this happen intervention and referral to OH will be applied immediately.
- 10.4 It should be noted that any absence/treatment associated with an alcohol, drugs or substance use and misuse which is regarded as sick leave will be

managed in line with the Sickness Absence Policy and paid in accordance with Council's Occupational Sick Pay scheme.

- 10.5 Following return to employment, after or during treatment, should work performance, conduct or behaviour again suffer as a result of alcohol or drug related problems, each case will be considered on its individual merits. If appropriate, further support and treatment may be provided.
- 10.6 The confidentiality of records relating to employees with alcohol or drug related problems will be strictly preserved and only those members of Management or OD/HR employees involved in a referral will have access to these. Where further dissemination of information in a record is required, the employee will be advised beforehand, although again the information will be treated in the strictest confidence.

## **11. DISQUALIFICATION and/or FINES**

- 11.1 An employee who has tested positive whilst at work may face criminal charges, which may lead to imprisonment and fines. Notwithstanding this, this will not prejudice Council from taking disciplinary action as appropriate.
- 11.2 Employees must advise their Line Manager immediately (verbally and in writing) if they are charged with an alcohol or drug related criminal offence. Employees who report such an offence may not be allowed to continue with their substantive responsibilities and/or role following a review with their Line Manager.
- 11.3 Additionally, employees must advise their Line Manager immediately (verbally and in writing) if they have been disqualified from driving. Where a valid UK driving Licence, of any category, has been confirmed as an essential criterion for the role, a review will be undertaken to consider all individual circumstances including the length of disqualification, importance of driving to the job role and potential options for amended responsibilities or redeployment.
- 11.4 In all circumstances, amendments to role responsibilities or redeployment will be considered in line with operational suitability, appropriate medical/OH advice, relevant risk assessments and consideration of individual circumstances.
- 11.5 Depending on whether disqualification or a fine has been applied, appropriate disciplinary may be taken.

## **12. DISCIPLINARY ACTION**

Council will ensure that alcohol, drug and substance use and misuse is treated primarily as a health issue. In seeking to apply this policy, there may be circumstances when disciplinary action may be necessary.

Circumstances in which it may be necessary to initiate disciplinary action include, but are not limited to:

- Cases of gross misconduct and/or where there are health and safety risks or risk of injury.
- Possession and/or supplying of drugs or illegal substances in the workplace.
- Where help and support are refused in relation to alcohol, drug or substance use concerns.
- Following positive test procedures in line with this policy

Where appropriate, any issues arising from this policy, including the level of co-operation from the employee will be taken into consideration in the application of the Disciplinary Procedure. Employees are therefore encouraged to co-operate with this policy at all stages.

## **13. CONFIDENTIALITY/ DATA PROTECTION/PRIVACY IMPACT ASSESSMENT**

Council will comply fully with its obligations under the GDPR and other relevant legislation pertaining to the safe handling, storage, retention and disclosure of information, including all health and medical information surrounding alcohol, drug and substance use and misuse.

Notwithstanding this, legislation accounts for justifiable circumstances where confidential information in this regard may need to be disclosed where an employee's, or others, health and safety is at risk, and may therefore be required to initiate preventative and/or remedial action.

## **14. EVALUATION AND REVIEW OF THE POLICY**

This procedure will be reviewed in 12 months and, if necessary, revised in consultation with recognised Trade Unions.

## **15. SECTION 75 EQUALITY AND GOOD RELATIONS**

Council is fully committed to meeting its obligations in relation to Equality and Good Relations under Section 75 of the Northern Ireland Act. In this regard this policy will

be screened using Section 75 guidelines and will be subject to an Equality Impact Assessment if found necessary as a result of the screening process.

## **16. CONTACT DETAILS**

Any issues or queries relating to this policy should be addressed to:

OD/HR Department  
Causeway Coast and Glens Borough Council  
Cloonavin  
66 Portstewart Road  
COLERAINE  
BT49 1EY

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## RECOGNISING SYMPTOMS & BEHAVIOURS ASSOCIATED WITH ALCOHOL, DRUG AND SUBSTANCE USE AND MISUSE

This section aims to provide some guidance to Line Managers regarding the signs and symptoms of alcohol, drug and/or substance use and misuse.

**It is important to keep in mind** that if an employee shows any of the following symptoms, it does not necessarily mean that he or she is under the influence of alcohol, drug and/or substances. The presence of some of these behaviours could be the product of stress, depression or a host of other problems. Whatever the cause, they may warrant attention, especially if they persist or if they occur in a cluster.

The key is change; it is important to watch for any significant changes in physical appearance, personality, attitude or behaviour.

<b>Physical Signs</b>	
Loss/Increase in appetite, changes in eating habits, unexplained weight loss/gain	Extreme hyperactivity; excessive talkativeness
Slowed or staggering walk; poor physical coordination	Needle marks on lower arm, leg or bottom of feet
Inability to sleep, unusual laziness	Runny nose; hacking cough
Red, watery eyes; pupils larger or smaller than usual; blank stare	Tremors or shakes of hands, feet or head
Cold, sweaty palms; shaking hands	Nausea, vomiting or excessive sweating
Puffy face, blushing or paleness	Slurred Speech
Smell of substance on breath, body or clothes	

<b>Behavioural Signs</b>	
Change in overall attitude/personality with no other identifiable cause	Changes in friends; sudden avoidance of old crowd; doesn't want to talk about new friends
Change in activities or hobbies	Paranoia
Drop in performance at work (variations in quality/quantity of work previously done)	Excessive need for privacy; unreachable; secretive or suspicious behaviour

Poor attendance/time keeping	Increase in accidents (slips, trips and falls)
Difficulty in paying attention; forgetfulness	Chronic dishonesty
Lack of concentration/easily distracted	Unexplained need for money, stealing money or items
General lack of motivation, energy, self-esteem, "I don't care" attitude	Change in personal grooming habits; deterioration of personal appearance
Sudden oversensitivity, aggression, or resentful behaviour	Possession of drug paraphernalia
Moodiness, irritability, or nervousness	Silliness or giddiness

<b>Drug Specific Symptoms</b>	
<b>Marijuana/Cannabis</b>	Glassy, red eyes; loud talking and inappropriate laughter followed by sleepiness; a sweet burnt scent; loss of interest, motivation; weight gain or loss.
<b>Alcohol</b>	Clumsiness; difficulty walking; slurred speech; sleepiness; poor judgment; dilated pupils.
<b>Depressants</b> (including barbiturates and tranquilizers)	Seems drunk as if from alcohol but without the associated odour of alcohol; difficulty concentrating; clumsiness; poor judgment; slurred speech; sleepiness; and contracted pupils.
<b>Amphetamines/ Stimulants/ Methamphetamines (including Ecstasy)</b>	Hyperactivity; euphoria; irritability; anxiety; excessive talking followed by depression or excessive sleeping at odd times; may go long periods of time without eating or sleeping; dilated pupils; weight loss; dry mouth and nose.
<b>Inhalants</b> (Glues, aerosols and vapours )	Watery eyes; impaired vision, memory and thought; secretions from the nose or rashes around the nose and mouth; headaches and nausea; appearance of intoxication; drowsiness; poor muscle control; changes in appetite; anxiety; irritability; an unusual number of spray cans in the trash.
<b>Hallucinogens</b>	Dilated pupils; bizarre and irrational behaviour including paranoia, aggression, hallucinations; mood swings; detachment from people; absorption with self or other objects, slurred speech; confusion.
<b>Opiates, Morphine and Heroin</b>	Needle marks; sleeping at unusual times; sweating; vomiting; coughing and sniffing; twitching; loss of appetite; contracted pupils; no response of pupils to light.

## LEGAL & POLICY FRAMEWORK

Council is committed to delivering its responsibilities under the following legislation and guidance as amended:

### **Health and Safety at Work (Northern Ireland) Order 1978**

Employers have a general duty under the Health and Safety at Work (Northern Ireland) Order 1978 act to ensure, as far as is reasonably practicable, the health, safety and welfare at work of their employees.

### **Management of Health and Safety at Work Regulations (Northern Ireland) 2000**

Employers have a duty under the Management of Health and Safety at Work Regulations (Northern Ireland) 2000, to assess the risks to the health and safety of their employees. If the employer knowingly allows an employee under the influence of drug use and misuse or excess alcohol to continue working and their behaviour places the employee or others at risk, the employer could be prosecuted.

Employees are also required to take reasonable care of themselves and others who could be affected by what they do at work.

### **Transport and Works Act 1992**

The Transport and Works Act 1992 makes it a criminal offence for certain workers to be unfit through drugs and/or drink while working on railways, tramways and other guided transport systems. The operators of the transport system would also be guilty of an offence unless they had shown all due diligence in trying to prevent such an offence being committed

### **Road Traffic (Northern Ireland) Order 1995**

The Road Traffic (Northern Ireland) Order 1995 states that any person who, when driving or attempting to drive a motor vehicle on a road or other public place, is unfit to drive through drink or drugs shall be guilty of an offence. An offence is also committed if a person unfit through drink or drugs is in charge of a motor vehicle in the same circumstances.

### **Misuse of Drugs Act 1971**

The principal legislation in the UK for controlling the use and misuse of drugs is the Misuse of Drugs Act 1971. Nearly all drugs with use and misuse and/or dependence liability are covered by it. The Act makes the production, supply and possession of these controlled drugs unlawful except in certain specified circumstances (for example, when they have been prescribed by a doctor). If you knowingly permit the

production or supply of any controlled drugs, the smoking of cannabis or certain other activities to take place on your premises you could be committing an offence.

**Data Protection Act 2018**

All employees must ensure that they adhere to the Information Commissioners Code of Practice when testing for alcohol or drugs to avoid breaching the Data Protection Act 2018.

*NB: OD/HR will automatically update the procedure to comply with any changes to legislation, LRA guidance and notify employees of amendments when required.*

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## **GUIDELINES FOR CONDUCTING AN INTERVIEW WITH AN EMPLOYEE WHO APPEARS TO HAVE AN ALCOHOL OR DRUG RELATED PROBLEM**

Managers must retain and maintain written records of all discussions with affected employees.

### **Managers are advised to:**

- Prepare for the discussion – allow plenty of time
- Explain the reason for meeting
- Focus on the work performance/ behaviour that has led you to meet
- Be objective, specific and non-judgmental
- Use non-emotive language
- Show concern for the employee
- Listen to what they say about their personal problems
- Offer the opportunity of professional help and advice – if you feel there is a need
- Follow the policy in every case

### **Managers are advised not to:**

- Make any comment on the employee's private life
- Rely on subjective impressions or rumour for which documented evidence is lacking
- Make vague accusations – be clear and concise
- Convey verbally or by your manner that you are judging the employee's morals
- Argue with the employee about their problems, or attempt to give advice. Leave any room for uncertainty about the employee's situation and what the next steps are
- Waiver between the heavy-handed exercise of authority and holding out the hand of friendship

## Alcohol, Drug and Substance Abuse Support Service Information

### Ascert Northern Ireland

Ascert is a regional service provider focused on awareness raising and building capacity in local communities to understand and respond to substance misuse issues. Services include education, training and interventions.

Tel: 0800 254 5123

[www.ascert.biz](http://www.ascert.biz)

### DAISY

The Drug and Alcohol Intervention Service for Youth (DAISY), ran by Ascert, provides confidential support for young people and young adults experiencing problems with alcohol and substance use.

Tel: 0800 254 5123

### Northlands

Northlands is an addiction treatment centre situated in Derry/Londonderry offering both residential rehabilitation and non-residential counselling for people with addiction difficulties.

Tel: 028 71 313232

Email: [info@northlands.org.uk](mailto:info@northlands.org.uk)

[www.northlands.org.uk](http://www.northlands.org.uk)

### Carlisle House

Carlisle House is a substance abuse residential treatment centre in Belfast catering for 18-65 year olds in the greater Belfast and Northern Trust area. It offers a range of services, advice and information, treatment programmes and ongoing support services.

Tel: 028 90 328308

Email: [carlislehouse@pcibsw.org](mailto:carlislehouse@pcibsw.org)

[www.carlislehouse.org](http://www.carlislehouse.org)

### HURT

HURT NI, based in Derry/Londonderry, provide a comprehensive range of services to meet the needs of those directly or indirectly affected by the misuse of drugs and alcohol.

Tel: 028 71 369696

Email: [info@hurtni.org](mailto:info@hurtni.org)

[www.hurtni.org](http://www.hurtni.org)

## **Addiction NI**

Addiction NI provides services across Northern Ireland as a leading counselling, support and information service for people affected by alcohol and drug use. Services include wellbeing programmes and specialist interventions.

Tel: 028 90 664434

Email: [enquiries@addictionni.com](mailto:enquiries@addictionni.com)

[Addiction NI \(nicas.info\)](http://nicas.info)

## **National Drugs Helpline**

Tel: 0300 123 6600

Text: 82111

[www.talktofrank.com](http://www.talktofrank.com)

## **Useful Websites**

### **Inspire Workplaces**

Inspire Workplaces provides an employee assistance programme, intervention methods and a comprehensive self-help library as a resource to expert information and advice in the areas of addiction control.

Tel: 028 90 328474

[www.inspiresupporthub.org](http://www.inspiresupporthub.org)

### **Alcohol and You NI**

[alcoholandyouni.com](http://alcoholandyouni.com) is a website with a range of help and self-help services free of charge and available to all.

[www.alcoholandyouni.com](http://www.alcoholandyouni.com)

### **Recovery.org.uk**

Providing advice on NHS and private treatment options, drug and alcohol centres, treatment counsellors and rehabilitation clinics.

Tel: 0203 553 0324

[www.recovery.org.uk](http://www.recovery.org.uk)

## **Additional Support**

### **Lifeline**

Lifeline is the Northern Ireland crisis response helpline service for people who are experiencing distress or despair. Calls are free from UK landlines and mobiles.

Tel: 0800 808 8000

[www.lifelinehelpline.info](http://www.lifelinehelpline.info)

### **PIPS Suicide Prevention Ireland**

PIPS provide support to individuals who are considering, or who have at some point considered, ending their own lives. PIPS also provide support to those families and friends who have been touched by suicide.

Tel: 028 90 805850

0800 088 6042

Email: [info@pipscharity.com](mailto:info@pipscharity.com)

[www.pipscharity.com](http://www.pipscharity.com)

### **Samaritans**

Samaritans provide confidential and non-judgemental emotional support, 24 hours a day, for people who are experiencing feelings of distress, including those which could lead to suicide.

Tel: 116 123

[www.samaritans.org](http://www.samaritans.org)

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## Manager Checklist

## APPENDIX 5

### Checklist for Reasonable Suspicion of an Employee under the Influence of Alcohol or Other Drugs

This policy recognises that managers, Trade Union and organisation representatives are not qualified to assess whether an alcohol or substance use or misuse problem exists.

This checklist is intended as a guide and not all of the items in the checklist conclusively confirm drug or alcohol use or misuse.

Please make detailed notes demonstrating the possible use of alcohol or substances, including providing additional detail as appropriate.

<b>Employee Name</b>		<b>Line Manager</b>	
<b>Directorate</b>		<b>Department</b>	
<b>Location</b>		<b>Telephone</b>	

<b>Line Manager Checklist</b>			
<b>Change in Physical Appearance</b>	<b>Yes</b>	<b>No</b>	<b>N/A</b>
Bleary eyes			
Hand tremor			
Facial flushing			
Unkempt appearance			
Smelling of alcohol			
Slurred speech			
Unsteady on feet			
Glassy eyes			
Pin point pupils			
<b>Changes in Personality</b>			
Aggressive behaviour			
Erratic behaviour – out of ordinary for the individual			
Mood change, irritability, lethargy			
Change in attitude to authority			
Over sensitivity to criticism			
Avoiding company			
<b>Poor Work Performance</b>			
Deterioration in relationships with colleagues, supervisors, managers			
Lack of concentration/fluctuations in concentration and energy			
Fatigue			
Reduced productivity			
Impaired job performance			
Mistakes and errors in judgement			
Appearing confused			

<b>Absenteeism</b>			
Frequent and unexplained short-term sickness absence			
<b>Longer Term Indications</b>			
Repeated patterns of depression, or fatigue from sleeplessness, which lasts 2-3 days			
Erratic performance			
Overconfidence			
Inappropriate behaviour			
Sudden mood changes from extreme happiness to severe depression			
Reduced response times			
A tendency to become confused			
Reduced productivity			
Poor time-keeping			
Lack of discipline			
Deterioration in relationships with colleagues, supervisors, managers, customers			
Dishonesty and theft			
Frequent money borrowing			
Frequent injuries/accidents			
Financial irregularities			
<b>Other Signs (please list)</b>			
<b>Other Comments</b>			
<p>If employee admits being under the influence of alcohol and/or drugs. Please describe and detail what alcohol/drugs/substances the employee has stated they have taken.</p>			

**Based on the evidence presented, as Line Manager, I have reason to believe that the above employee should undertake a drug and alcohol test. The member of staff has**

been advised of the reason for this course of action and the requirement for further investigation.

<b>Line Manager Print Name</b>		<b>Witness Print Name</b>	
<b>Sign</b>		<b>Sign</b>	
<b>Date</b>		<b>Date</b>	
<b>Employee Consent:</b>			
<p>I hereby sign that I provide my informed consent with being tested for drugs and/or alcohol.</p> <p>I hereby sign that I am refusing to provide my informed consent with being tested for drugs and/or alcohol.</p> <p>(delete as appropriate)</p>			
<b>Employee Print Name</b>		<b>Representative Print Name</b>	
<b>Sign</b>		<b>Sign</b>	
<b>Date</b>		<b>Date</b>	

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**Witness Checklist (Accompanying Line Manager)****APPENDIX 6****Checklist for Reasonable Suspicion of an Employee under the Influence of Alcohol or Other Drugs**

This policy recognises that managers, Trade Union and organisation representatives are not qualified to assess whether an alcohol or substance use or misuse problem exists.

This checklist is intended as a guide and not all of the items in the checklist conclusively confirm drug or alcohol use.

Please make detailed notes demonstrating the possible use of alcohol or substances, including providing additional detail as appropriate.

<b>Employee Name</b>		<b>Line Manager</b>	
<b>Directorate</b>		<b>Department</b>	
<b>Location</b>		<b>Telephone</b>	

<b>Witness Checklist</b>			
<b>Change in Physical Appearance</b>	<b>Yes</b>	<b>No</b>	<b>N/A</b>
Bleary eyes			
Hand tremor			
Facial flushing			
Unkempt appearance			
Smelling of alcohol			
Slurred speech			
Unsteady on feet			
Glassy eyes			
Pin point pupils			
<b>Changes in Personality</b>			
Aggressive behaviour			
Erratic behaviour – out of ordinary for the individual			
Mood change, irritability, lethargy			
Change in attitude to authority			
Over sensitivity to criticism			
Avoiding company			
<b>Poor Work Performance</b>			
Deterioration in relationships with colleagues, supervisors, managers			
Lack of concentration/fluctuations in concentration and energy			
Fatigue			
Reduced productivity			
Impaired job performance			
Mistakes and errors in judgement			
Appearing confused			

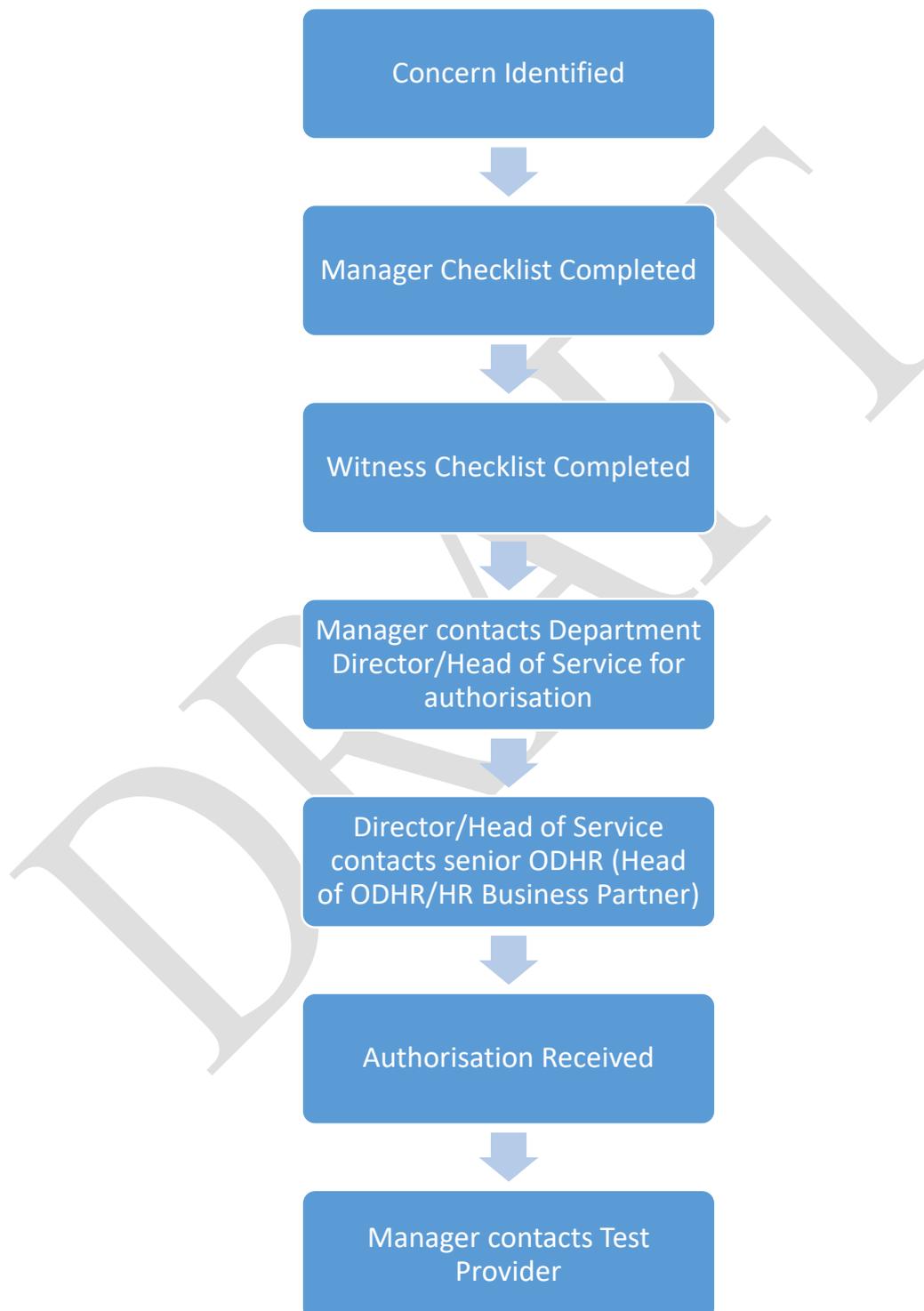
<b>Absenteeism</b>			
Frequent and unexplained short-term sickness absence			
<b>Longer Term Indications</b>			
Repeated patterns of depression, or fatigue from sleeplessness, which lasts 2-3 days			
Erratic performance			
Overconfidence			
Inappropriate behaviour			
Sudden mood changes from extreme happiness to severe depression			
Reduced response times			
A tendency to become confused			
Reduced productivity			
Poor time-keeping			
Lack of discipline			
Deterioration in relationships with colleagues, supervisors, managers, customers			
Dishonesty and theft			
Frequent money borrowing			
Frequent injuries/accidents			
Financial irregularities			
<b>Other Signs (please list)</b>			

<p><b>Other Comments</b></p>
<p>If employee admits being under the influence of alcohol and/or drugs. Please describe and detail what alcohol/drugs/substances the employee has stated they have taken.</p>

**Based on the evidence presented, as Witness, I have reason to believe that the above employee should undertake a drug and alcohol test. The member of staff has been advised of the reason for this course of action and the requirement for further investigation.**

<b>Line Manager Print Name</b>		<b>Witness Print Name</b>	
<b>Sign</b>		<b>Sign</b>	
<b>Date</b>		<b>Date</b>	
<p><b>Employee Consent:</b></p> <p><b>I hereby sign that I provide my informed consent with being tested for drugs and/or alcohol.</b></p> <p><b>I hereby sign that I am refusing to provide my informed consent with being tested for drugs and/or alcohol.</b></p> <p><b>(delete as appropriate)</b></p>			
<b>Employee Print Name</b>		<b>Representative Print Name</b>	
<b>Sign</b>		<b>Sign</b>	
<b>Date</b>		<b>Date</b>	

Where a manager or supervisor has reason to believe that an employee should undertake a drug and alcohol test following completion of the Manager Checklist, the following process should be followed.



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**Causeway  
Coast & Glens  
Borough Council**

## **Self-Disclosure and Employment of People with Convictions Policy**

Policy Number	
Version Number	0.1
Author	OD/HR

Date of Screening of Policy	
EQIA Recommended?	YES/NO
Date Adopted by Council	
Date Policy Revised	

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## **1. INTRODUCTION**

Causeway Coast and Glens Borough Council (CCGBC) are committed to providing equality of opportunity to all applicants for employment, including those with criminal convictions.

Some convictions are protected under the Rehabilitation of Offenders (Northern Ireland) Order 1978. The Rehabilitation of Offenders Order enables certain criminal convictions to become 'spent' after period of time known as the rehabilitation period. When the rehabilitation period has passed, an ex-offender has no legal obligation to declare their conviction when applying for a job.

The Rehabilitation of Offenders (Exceptions) Order (Northern Ireland) 1979 details 'exempted' posts. These are occupations and positions where there is a valid requirement to see a person's full criminal record, including 'spent' convictions, in order to assess their suitability for a position. Exempted posts involve work in regulated activity such as working with children or vulnerable adults.

Information about criminal convictions will be taken into account only when the conviction is considered materially relevant to the role; this includes conflict related offences that pre-date the Belfast (Good Friday) Agreement (April 1998). Any disclosure will be considered in the context of the job description, the nature of the offence and the responsibility for the care of staff, and public users of the Council. This includes Council's responsibility for the protection of children and adults who are at risk of harm.

## **2. POLICY STATEMENT**

Council is committed to equality of opportunity and the fair treatment of its staff, potential staff and users of its services. We actively promote equality of opportunity and strive to ensure that we have the right mix of talent, skills and potential within the organisation. We welcome applications from a wide range of candidates, including those with criminal records. Council will ensure selection of candidates based on their qualifications, experience, knowledge and competencies as required.

Council will ensure that officers involved in recruitment and decision-making processes regarding criminal convictions will receive training to identify and assess the relevance and circumstances of offences and that they receive appropriate guidance and training in the relevant legislation relating to the employment of ex-offenders.

This policy details:

- i. Causeway Coast and Glens Borough Council's Policy on Self Disclosure and the Employment of People with Convictions
- ii. Guidance on the implementation of the policy

This policy applies to all potential job applicants and existing Council employees, including the Chief Executive. It also includes the requirement for the appropriate disclosure checks to be conducted with apprentices, agency workers, casual workers and volunteers as applicable. The collective term 'employees' will be used throughout this policy to apply to all of the groups listed above.

This policy does not form part of an employee's contract of employment and Council may amend it at any time.

Signed: \_\_\_\_\_ Date: \_\_\_\_\_  
Mayor  
Causeway Coast and Glens Borough Council

Signed: \_\_\_\_\_ Date: \_\_\_\_\_  
Chief Executive  
Causeway Coast and Glens Borough Council

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### 3. DEFINITIONS

**Causeway Coast and Glens Borough Council Employee** - an employee is any person under a current contract of employment with Causeway Coast and Glens Borough Council, including temporary and fixed term contracts.

**Caution**

An alternative to prosecution of a minor offence, which is administered by the police and accepted by the individual. It becomes spent immediately.

**Council**

The employing authority and is represented by Management.

**Criminal Conviction**

An instance when an individual has been found guilty of an offence by a court. Convictions include fines, community service orders, probation orders and custodial sentences (suspended or not).

**Criminal Record**

A record of an individual's criminal history. It includes cautions, reprimands and final warnings, as well as convictions.

**Disclosure**

A term used to describe the process of telling an employer about a criminal record, providing details and contextual information.

**Exceptions Order**

The Rehabilitation of Offenders (Exceptions) Order (NI) 1979 allows for certain types of employment/convictions to be excluded from the legislation. This means that all previous convictions including spent convictions must be declared. Excepted positions include 'regulated' positions, positions where national security may be an issue and professions regulated by law.

**Filtering**

The system that removes old or minor cautions and convictions from Enhanced Access NI checks.

**Management/Line Manager/Head of Service** - are those employees charged with line management responsibility for Council employees and accountable for service provision, administration and implementation of Council's business.

**Offence**

An act that is punishable by law.

### **Regulated Activity**

A position which invariably requires working closely, regularly and unsupervised with children and is defined in law in Schedule 2 of the Safeguarding Vulnerable Groups (NI) Order 2007, as amended by the Protection of Freedoms Act 2012. Regulated positions include those whose normal duties require them to care for, train, advise, counsel, or are in sole charge of children, or have unsupervised contact with children, as well as the supervisors/managers of individuals in regulated positions.

### **Rehabilitation of Offenders (NI) Order 1978**

The Rehabilitation of Offenders (NI) Order 1978 makes it possible for many convictions to become 'spent' and for the person to be treated as though they have never been convicted. The legislation defines how long candidates have to disclose information about their criminal record, which aims to reduce barriers for offenders to be rehabilitated into society.

### **Rehabilitation Period**

The length of time, dependent on the sentence received, before a conviction or similar becomes spent.

### **Spent Conviction**

A conviction that no longer has to be disclosed to an employer for most roles. It will still be disclosed for regulated roles.

### **Unspent Conviction**

A conviction that has to be disclosed to an employer for all roles, if the candidate is asked.

## **4. ACCOUNTABILITY AND RESPONSIBILITIES**

### **4.1 Corporate Responsibility**

The Chief Executive, on behalf of Council, carries overall responsibility for ensuring that the organisation complies with the relevant legislation;

- Rehabilitation of Offenders (NI) Order 1978
- Rehabilitation of Offenders (Exceptions) Order (NI) 1979
- Safeguarding Vulnerable Groups Act (2006) and Safeguarding Vulnerable Groups (Northern Ireland) Order 2007

### **4.2 Role of Directors**

Directors are responsible for the management of their Directorate. Directors are also responsible for delegating authority to Heads of Service/Line Managers to take action under this policy, as appropriate. Directors are responsible for establishing arrangements to ensure:

- Effective and consistent implementation and use of the policy
- Continued service delivery; and

Consultation with employees on these arrangements

### **4.3 Role of Organisational Development/Human Resources (OD/HR)**

The Head of OD/HR is responsible for reviewing, updating and amending this policy to reflect changes in legislation or employment practice. OD/HR are responsible for establishing arrangements to ensure:

- Appropriate training to effectively implement the policy and procedure.
- Effective implementation of the policy and procedure
- Ensure appropriate record keeping procedures.

## **5. IMPLEMENTATION ARRANGEMENTS**

Council has a duty of care to protect the well-being of the public and service users and in particular vulnerable children and adults who may be at risk. We also recognise the contribution that former ex-offenders can make as employees and volunteers. A person's criminal record, in itself, will not debar that person from being appointed to the post. Suitable applicants will not be refused posts because of offences which are not relevant to the post and do not place them at risk within the role.

### **5.1 Spent Convictions**

The Rehabilitation of Offenders (Northern Ireland) Order 1978 allows most convictions (and cautions) to be considered spent after a specified period of time. Once a caution or conviction is spent the person is considered rehabilitated and the Order treats the person as if they had never committed an offence. This means that jobseekers with criminal records have the right to legally withhold such information from a prospective employer when applying for most jobs. The specified period of time is determined by the sentence or disposal that was received in respect of a particular offence (See Appendix 3).

### **5.2 'Excepted' Posts**

Certain convictions will never become spent and include custodial sentences of more than 30 months. When applying for 'regulated' posts all applicants must disclose all spent and unspent convictions.

The Rehabilitation of Offenders (Exceptions) Order (NI) 1979 also allows for certain types of employment/convictions to be excluded from the legislation. This means that all previous convictions including spent convictions must be declared. 'Excepted' positions include regulated positions, positions where national security may be an issue and professions regulated by law. Further details regarding excepted employment are set out in Appendix 5.

### **5.3 Unspent Convictions**

Unspent convictions, including conflict related offences, will not necessarily prevent an application from being considered. However, failure to disclose a previous criminal conviction, which is not spent, will result in disqualification of an applicant, or disciplinary action, after appointment in accordance with the Council's Disciplinary Procedure.

### **5.4 Filtering**

Filtering means that some old and minor convictions (defined as 'non specified offences') and other information (such as cautions/informed warnings/diversionary youth conferences) will no longer be automatically disclosed on Standard and Enhanced Access NI Checks. This means that some conviction information which previously would have been disclosed, may not be in the future. Further details regarding Filtering are set out in Appendix 4.

A specified offence is a serious offence that will always appear on an Access NI check no matter when the crime occurred or the offender's age when convicted. Examples of specified offences include violent offences, sexual offences, offences against a child, murder and drug related offences, among others.

A list of specified offences can be found at the link below, however, please note that this list may be updated periodically.

[https://www.nidirect.gov.uk/sites/default/files/2023-02/List-of-Specified-Offences-February-2023\\_0.PDF](https://www.nidirect.gov.uk/sites/default/files/2023-02/List-of-Specified-Offences-February-2023_0.PDF)

## **6. RECRUITMENT & SELECTION PROCESS**

Council is entitled to ask prospective employees and volunteers about convictions which are not spent under The Rehabilitation of Offenders (NI) Order 1978. Prospective applicants from the outset of the selection process will be advised exactly what information will be requested from them, when this will happen and why it is necessary. Guidance is available for applicants on the legislation and on spent convictions within Council's Policy Statement on the Recruitment of Ex-Offenders.

All applicants are advised in the terms and conditions of employment, issued with the application pack, that appointments to all posts are subject to the satisfactory completion of a 'Disclosure of Criminal Convictions' form (Appendix 1 and Appendix 2). Applicants will also be advised that Access NI checks will be conducted if this a requirement of the post.

Applicants are not asked to disclose information regarding convictions on their application form for posts. Applicants are recommended for interview based

on the merit principle of the information provided on application forms, and appointments at interview are based strictly on the merit principle based on candidates' performance at interview. Short-listing and interview panels will not have any knowledge of applicants' convictions.

Council requires all applicants who have been successful at interview and have been provided with a conditional offer to make a confidential disclosure of unspent criminal convictions. Only the details for the successful candidate will be requested and if necessary subject to a review process. The information will be used to inform the overall assessment as to their suitability for the role, only where it is relevant.

## **6.1 'Non-Excepted Employment' Posts**

The majority of posts at CCGBC are considered non-excepted posts. The preferred candidate for a non-excepted post, following a successful interview and during the conditional offer stage of the recruitment process, will be asked to complete a 'Disclosure of Criminal Convictions – Not Excepted' form (Appendix 1) to provide details in respect of their convictions which are 'unspent.' Candidates will be given the appropriate form and any other relevant information, with instructions on how to complete and return. Completed disclosure forms should be returned in a sealed confidential envelope to the nominated OD/HR Officer.

Candidates will have the opportunity to put their offence/s into context, to explain the circumstances and have the opportunity to state how their circumstances and attitudes towards their offences have changed. This information is useful when determining whether the criminal record is relevant to the recruitment decision and helps inform assessments.

Generally, non-excepted posts do not require an Access NI check, however, Council reserve the right to verify any information candidates provide by conducting a basic Access NI check.

## **6.2 'Excepted Employment' Posts**

Specific posts at CCGBC are considered excepted employment posts as provided by the Rehabilitation of Offenders (Exceptions) (NI) 1979, to include posts which involve:

- Working with children
- Working with vulnerable adults
- The administration of justice i.e., solicitors
- Positions in Finance which are regulated by the Financial Services Authority
- Positions within the security industry/regulated by SIA

The preferred candidate for an excepted post, following a successful interview and during the conditional offer stage of the recruitment process, will be asked to complete a 'Disclosure of Criminal Convictions – Excepted' form (Appendix

2) to provide details in respect of their convictions which are both 'spent' and 'unspent.'

Council are also required to conduct a Standard Access NI check for all preferred candidates for excepted posts.

### **6.3 Regulated Posts**

Many posts which involve working with children or adults at risk of harm and/or adults in need of protection, are categorised as 'Regulated Activity' as defined by the Safeguarding Vulnerable Groups (NI) Order 2007. Regulated activity includes unsupervised teaching, training, instructing, care, supervision, guidance in respect of children, and must be done regularly i.e., once per week, 4 times per month or overnight.

The preferred candidate for a regulated post, following a successful interview and during the conditional offer stage of the recruitment process, will be asked to complete a 'Disclosure of Criminal Convictions – Excepted' form to provide details in respect of their convictions which are both 'spent' and 'unspent.' These candidates are also required to declare if they are currently subject to inclusion on the Children's or Vulnerable Adults barred list.

Council is also required to conduct an Enhanced Access NI check for all preferred candidates for regulated posts.

### **6.4 Disclosure Certificates – Access NI**

#### **Access NI Disclosure**

Access NI is a criminal history disclosure service in Northern Ireland, supplying criminal history information to organisations and individuals on three levels of 'Criminal Record Check,' i.e., Basic, Standard, and Enhanced Disclosures. Further information on the levels of checks can be found at Appendix 7.

An Access NI Enhanced Disclosure with Barred List Check is required for employees and volunteers in posts designated as regulated activity i.e., those posts which work with children and young people or vulnerable adults (as defined under the Safeguarding Vulnerable Groups (NI) Order 2007, as amended by the Protection of Freedoms Act 2012).

Therefore, before advertising a post or volunteering role within Council or contacting Council's recruitment and selection agency, Council will determine if the post falls into the category of regulated activity.

Council will request an Access NI Disclosure only where this is considered proportionate and relevant to the position, in line with Council Safeguarding policies and relevant legislation. This will be based on a thorough risk assessment of the position and having considered the relevant legislation which determines whether or not a Standard or Enhanced Disclosure is available to the position. The level of check required will be determined at the beginning of

the recruitment process and this will allow Council to ensure that individuals who might be a risk to children, young people or adults at risk are not appointed.

As part of Council's commitment to safeguarding children and adults at risk we undertake 'Safer Recruitment' when recruiting to all posts for children and adults at risk which require an enhanced Access NI check. An enhanced check for a post which includes 'regulated activity' will include a check with the Disclosure and Barring Service (DBS), which keeps lists of people who are unsuitable for work with children and adults. These procedures are in place to screen out those who are not suitable to work with children, young people and adults at risk.

Where necessary, all applicants will be made aware at the initial recruitment stage that the post will be subject to a disclosure and successful candidates will be required to undertake an appropriate check. During the recruitment process, if a candidate has been given a conditional offer for a relevant post, candidates must provide consent for the relevant Access NI check. Council is not currently a registered body and works with an external organisation to act on Council's behalf as an umbrella organisation to carry out Access NI checks. Candidates will be reminded that if there is any failure to comply with this process, Council cannot consider an application further.

In accordance with GDPR, Access NI checks will be returned directly to the candidate, who should then provide this to ODHR. The candidate's suitability for working in a regulated post will then be assessed. Council will not confirm any offer of employment in a regulated position until it is satisfied with the results of the Access NI check.

Candidates are entitled to raise a dispute within 90 days of the certificate being issued by Access NI if they believe the information disclosed on the certificate is not proportionate or relevant to the role being applied for. Information regarding disputes can be found at [www.nidirect.gov.uk/articles/disputing-accessni-certificate](http://www.nidirect.gov.uk/articles/disputing-accessni-certificate).

#### **6.4.1 Identification**

Candidates will be required to complete an Access NI Application Form, where it is necessary to produce evidence of their identification as specified by Access NI. Council will provide guidance on the type of identification necessary.

#### **6.4.2 Agency Workers**

Council will ensure that all regulated posts undertaken by agency will be subject to the same Access NI checks as Council employees.

#### **6.4.3 Volunteers**

Some volunteer roles may involve activity where there is unsupervised access to children and adults who are at risk of harm. Council will ensure that all regulated posts undertaken by volunteers will be subject to the same Access NI checks as Council employees.

## 7 REVIEWS OF CONVICTIONS/DISCLOSURES

Where a conviction is disclosed, or information provided by Access NI as per Section 6.4, a Disclosure Assessment Panel, consisting of three people, balanced in relation to gender and community background, will review the information to determine if the conviction declared is considered materially relevant to the role.

It is important that the range of duties and responsibilities of the post are set out so that it is possible to form a view about what kinds of offending behaviour would give rise to most concern in the setting. When considering conflict related offences particular consideration should be given to Employers' Guidance issued by the Office of the First Minister and Deputy First Minister 'Recruiting People with Conflict-Related Convictions' (Appendix 6).

The panel, will consider the following factors:

- When the offence occurred and whether there has been a significant period with no convictions. Given the lengthy rehabilitation periods, even unspent convictions may have occurred quite a long time ago.
- The seriousness of the offence. This is often more accurately reflected in the sentence or penalty imposed than the title of the offence.
- The frequency of offending and whether there is a pattern of repetition, or the offence relates to a single incident.
- The person's circumstances at the time. The offence may relate to a particular period in an individual's life, or their circumstances have changed.
- Whether the role they've applied for will put them at risk of reoffending.

When considering the applicant's conviction/s consideration should be given to whether certain convictions may be more relevant to certain posts than others. For example, an applicant that has been convicted of a minor motoring offence may not be considered suitable for a post that involves driving. However, this conviction may not be as relevant if an applicant who has a similar conviction applies for an administrative position.

If the panel decision is that the disclosure is not materially relevant, appointment to the post can be confirmed, pending all other conditional offer requirements being satisfied.

If the panel considers that the disclosure could be materially relevant to the post, incompatible with the post or put the applicant's role or the organisation at risk, consideration will be given to meeting with the candidate for discussion on whether risks could be mitigated or managed. Following this meeting if the panel continues to consider that the disclosure is relevant or incompatible with the post, their decision will be communicated, and the conditional offer withdrawn. The candidate will be offered a right of appeal, which will be heard by a manager of an appropriate level.

Details of the review process, including the reasons for the decision to withdraw the conditional job offer, should be recorded in writing, signed off by the panel and held with the relevant recruitment file. Feedback can also be provided to the candidate on why their criminal record prevented them from getting the job to help them in their future job search. It is important to reassure candidates that personal data will not be shared, in accordance with data protection requirements.

## **8. INFORMATION SECURITY**

Council will ensure compliance with all relevant legislation including GDPR UK and Access NI's Code of Practice, regarding the safe and appropriate handling, usage, storage, retention and disposal of conviction and disclosure information.

Information contained will be treated in strict confidence and will only be shared with a Disclosure Assessment Panel if it is deemed necessary to review a disclosure. Disclosure information is only shared with those officers with authorisation as necessary to fulfil Council's legal obligations. Disclosure of Criminal Convictions forms completed by applicants will be destroyed once the recruitment process has been completed, however Council may keep a secure record of the date of issue of a Disclosure, the name of the subject, the type of disclosure requested, the Access NI unique reference number of the Disclosure Certificate and the details of the recruitment decision taken.

## **9. CONFIDENTIALITY**

The unauthorised disclosure of information about a spent conviction is illegal. Unauthorised disclosure is where an officer with access to information about an individual's criminal record discloses this information other than in the course of official duties. Serious misuse of an individual's criminal record could result in disciplinary action under Council's Disciplinary Policy and potential legal action.

## **10. COUNCIL EMPLOYEES**

Following appointment, employees have a responsibility to report any relevant changes of circumstances to their employer as set out in their Main Statement of Terms and Conditions and in accordance with the Councils Code of Conduct. This includes any criminal investigations, convictions, or warnings they may become the subject of, or any other relevant information which a reasonable employer might consider impacting on the employment of that individual.

Employees should always discuss with their line manager any difficulties or problems that may impact on their suitability to work with children and adults so that appropriate support can be provided, or action taken. Failure to disclose convictions may result in disciplinary action.

An existing employee may be asked to complete a Disclosure form or completed an Access NI check if for example they move to an 'excepted' post or a post considered to involve 'regulated' activity, in accordance with Council policy. Refusing to comply with such a request may result in an offer of conditional employment being withdrawn or the employee being subject to

formal disciplinary action for deliberate and/or unreasonable refusal to carry out lawful safe instruction.

Confidentiality cannot be guaranteed where concerns arise about the welfare of safety of children or adults, but any information sharing will be in accordance with relevant legislation and policy and only as is necessary in the circumstances.

## **11. EVALUATION AND REVIEW OF THE POLICY**

This policy will be reviewed on a regular basis to ensure that it meets the needs of Council and to ensure compliance with relevant legislation. If required, the Policy will be reviewed in conjunction with Council recognised Trade Unions.

## **12. SECTION 75 EQUALITY AND GOOD RELATIONS**

Council is fully committed to meeting its obligations in relation to Equality and Good Relations under Section 75 of the Northern Ireland Act. In this regard this policy will be screened using Section 75 guidelines and will be subject to an Equality Impact Assessment if found necessary as a result of the screening process.

## **13. CONTACT DETAILS**

Any issues or queries relating to this policy should be addressed to:

OD/HR Department  
Causeway Coast and Glens Borough Council  
Cloonavin  
66 Portstewart Road  
COLERAINE  
BT49 1EY

## Appendix 1



**Causeway  
Coast & Glens  
Borough Council**

**For office use only:-**

Job Ref \_\_\_\_\_ S/ \_\_\_\_\_

Applicant Number \_\_\_\_\_ E \_\_\_\_\_

### DISCLOSURE OF CRIMINAL CONVICTIONS

(to be completed for posts which are NOT 'Excepted Employment' positions)

Applicant Name: \_\_\_\_\_

Job Ref: \_\_\_\_\_

Job Title: \_\_\_\_\_

**Please read this information carefully.**

#### Statement of Non-Discrimination

Causeway Coast and Glens Borough Council is committed to equal opportunity for all applicants including those with criminal convictions. Information about criminal convictions is requested to assist the selection process and will be taken into account only when the conviction is considered relevant to the post.

Any disclosure will be seen in the context of the job criteria, the nature of the offence and the responsibility for the care of existing clients/customers and employees.

#### Question

Below, you are asked to disclose any criminal convictions except those which are considered "SPENT" under the Rehabilitation of Offenders (NI) Order 1978. Having unspent convictions will not necessarily debar your application from being considered. To decide if your conviction is "SPENT", please refer to the enclosed information.

#### Advice to applicants

You should read the enclosed document 'Information on the Rehabilitation of Offenders (NI) Order 1978' carefully before completing the following.

You should then complete this disclosure form as accurately as possible and **return in the 'Confidential' envelope provided**. Arrangements will be made with you if clarification is required on any information provided.

**Criminal Conviction Disclosure Forms completed by applicants will be destroyed once the recruitment process has been completed.**

Thank you for your co-operation.

**Please complete form overleaf**

**Convictions**

Based on the information contained in the enclosed document 'Information on the Rehabilitation of Offenders (NI) Order 1978' leaflet, **do you have any criminal convictions which are NOT considered to be "SPENT"?**

No

Yes

If 'Yes', please provide details below:-

Date of conviction	Offence	Sentence

Please provide any other information you feel may be of relevance such as:

- The circumstances of the offence;
- A comment on the sentence received;
- Any relevant developments in your situation since then;
- Whether or not you feel the conviction has relevance to this post.

*Please continue on a separate page, if necessary.*

I declare that the information provided above is complete and correct to the best of my knowledge.

Signed: \_\_\_\_\_

Date: \_\_\_\_\_

## Appendix 2



**Causeway  
Coast & Glens  
Borough Council**

**For office use only:-**

Job Ref \_\_\_\_\_

Applicant Number \_\_\_\_\_

### **DISCLOSURE OF CRIMINAL CONVICTIONS**

(to be completed for posts which are 'Excepted Employment' positions)

Applicant Name: \_\_\_\_\_

Job Ref: \_\_\_\_\_

Job Title: \_\_\_\_\_

**Please read this information carefully.**

#### **Statement of Non Discrimination**

Causeway Coast and Glens Borough Council is committed to equal opportunity for all applicants including those with criminal convictions. Information about criminal convictions is requested to assist the selection process and will be taken into account only when the conviction is considered relevant to the post.

Any disclosure will be seen in the context of the job criteria, the nature of the offence and the responsibility for the care of existing clients/customers and employees.

You have applied for a post which is a **Regulated Position** as defined by the **Safeguarding Vulnerable Groups (NI) Order 2007** and also **falls within the definition of an 'excepted' position** as provided for in the Rehabilitation of Offenders (**Exceptions**) Order (NI) 1979 – this means that **ALL** convictions including **SPENT** convictions **MUST** be disclosed. Having a conviction will not necessarily debar your application from being considered. This information will be verified through an appropriate **Access NI Standard or Enhanced Disclosure Check**. If you have received a formal caution or are currently facing prosecution for a criminal offence you should also bring this to our attention given the "excepted" nature of the role (**EDC's only**).

#### **Advice to applicants**

You should read the enclosed document 'Information on the Rehabilitation of Offenders (NI) Order 1978' carefully before completing the following.

You should then complete this disclosure form as accurately as possible and **return in the 'Confidential' envelope provided**. Arrangements will be made with you if clarification is required on any information provided.

**Criminal Conviction Disclosure Forms completed by applicants will be destroyed once the recruitment process has been completed.**

Thank you for your co-operation.

**Please complete form overleaf**

**Convictions**

Based on the information contained in the enclosed document 'Information on the Rehabilitation of Offenders (NI) Order 1978' leaflet, **do you have any criminal convictions which are NOT considered to be "SPENT"?**

No

Yes

If 'Yes', please provide details below:-

Date of conviction	Offence	Sentence

Please provide any other information you feel may be of relevance such as:

- The circumstances of the offence;
- A comment on the sentence received;
- Any relevant developments in your situation since then;
- Whether or not you feel the conviction has relevance to this post.

*Please continue on a separate page, if necessary.*

I declare that the information provided above is complete and correct to the best of my knowledge.  
I understand that, prior to appointment, Causeway Coast and Glens Borough Council will carry out an Access NI Standard or Enhanced Disclosure check and hereby consent to such check being made.

Signed: \_\_\_\_\_

Date: \_\_\_\_\_

## Appendix 3

### Summary of Rehabilitation of Offenders legislation

#### The Rehabilitation of Offenders (NI) Order 1978

The following sentences become spent after fixed periods from the date of conviction. If a conviction is spent, an applicant does not have to mention it, even when asked, unless applying for a post which is 'excepted' under this legislation.

Sentence	Aged 18 or over at conviction	Under 18 years at conviction
Absolute Discharge	6 months	
Probation Order, Bind Over, Conditional Discharge, Care/Supervision Order	Date Order ceases OR 1 year – whichever longer	
Attendance Centre Order Juvenile Justice Centre Order Youth Conference Order, Reparation Order, Community Responsibility Order	1 year after Order expires	
Hospital Order	5 years (after date of conviction) or 2 years after Order expires – whichever is longer	
Fine or Community Service Order Combination Orders	5 years	2 ½ years
Prison – (immediate or suspended) OR Young Offenders Centre – sentence of 6 months or less	7 years	3 ½ years
Prison – (immediate or suspended) OR Young Offenders Centre over 6 months up to and including 2 ½ years	10 years	5 years
A period of detention of less than 6 months under Article 45 of the CJ (Children) (NI) Order 1998	N/A	3 years
A period of detention over 6 months but less than 30 months under Article 45 of the CJ (Children) (NI) Order 1998	N/A	5 years
<b>NB: A custodial sentence of more than two and a half years can never become spent</b>		

- Consecutive prison sentences count as a single term when calculating the rehabilitation period.
- If more than one sentence was imposed for an offence, the longer rehabilitation period applies.
- If a person receives new conviction during rehabilitation period:
  - for a summary offence (i.e. can only be tried at Magistrates Court) both rehabilitation periods expire separately;
  - for a more serious offence (i.e. which **could** be tried at the Crown Court) **neither** conviction will become spent until longest period expires.
- Cautions, informed warnings and diversionary youth conferences are not considered to be convictions and become 'spent' immediately unless relevant to 'excepted' posts.
- A spent conviction will remain on a criminal record.
- A spent conviction will remain on a criminal record but will not be routinely disclosed unless deemed relevant and proportionate to the role being applied for.

It is an offence for anyone to give information about spent convictions from official records except in the course of official duties.

**For confidential advice or information please contact NIACRO's Employment Advice Line on Tel: 028 9032 0157 or via email [disclosure@niacro.co.uk](mailto:disclosure@niacro.co.uk).**

**The Rehabilitation of Offenders (Exceptions) Order (NI) 1979  
(amended by 1987, 2001, 2003, 2009, 2012 and 2014 Orders)**

A range of occupations are exempt from the legislation. For these posts, applicants must disclose information on both spent and unspent convictions in addition to cautions, information warnings or diversionary youth conferences that are not subject to filtering.

Work that involves contact with children and young people or adults in a particular capacity or carrying out a specified activity: e.g. teaching, training, instructing, caring for supervising children in childcare or adults in health and social care.

Professionals that are regulated by law: e.g. medical practitioner, nurse, chemist, optician, accountant, manager of an insurance company.

Posts involving national security: e.g. security personnel or senior civil service posts.

Posts concerned with administration of justice: e.g. police officers, solicitors, probation officers, traffic wardens, judges, prison officers.

## Appendix 4

### Filtering Guidelines

Filtering was introduced in Northern Ireland in April 2014. This means that some old and minor offences **may** no longer be subject to disclosure on Standard and Enhanced Access NI Checks.

You do not need to give us details of any criminal history information that may be subject to filtering.

The following timescales for filtering apply from the date the conviction or disposal was given. If you need additional guidance on disclosure information you can see advice from NIACRO.

<b>Disposal</b>	<b>Aged 18 or over at time of issue/conviction</b>	<b>Aged under 18 at time of issue/conviction</b>
Conviction for <b>non-specified offence</b>  (NB only applies if there are no other convictions on the persons record)	11 years from date of conviction	5 ½ years from date of conviction
Caution/diversionary youth conference for <b>non-specified offence</b>	6 years from date of issue	2 years from date of issue
Informed warnings for <b>non-specified offences</b>	1 year from date of issue	1 year from date of issue
Diversionary Youth Conference Orders for <b>non-specified offence</b>	N/A	2 years after completion of the order
Conviction or caution, diversionary youth conference or informed warning for <b>specified offence</b>	Will not be filtered	Will not be filtered
Conviction resulting in custodial sentence (including suspended sentence) regardless of offence	Will not be filtered	Will not be filtered

'Specified Offences' including serious, sexual or violent offences or those relevant to safeguarding are exempt from filtering.

For a full list of specified offences, which are exempt from filtering, visit:

<http://www.dojni.gov.uk/index/accessni/disclosures/filtering.htm>

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## Appendix 5

### Excepted Employment

The Rehabilitation of Offenders (Exceptions) Order (NI) 1979 (amended 1987, 2001, 2003, 2009, 2012 and 2014) overrules the rights otherwise guaranteed by the 1978 Order. Therefore, someone with a conviction must disclose information on both spent and unspent convictions in addition to cautions, informed information warnings or diversionary youth conferences that are not subject to filtering; provided that an employer asks the question, and they clearly indicate that the post is an excepted one.

Excepted posts and occupations include:

- Judicial appointments
- Employment in the office of the director of Public Prosecutions.
- Justices' clerks and justices' clerks' assistants.
- Constables, police trainees, military, naval and air force police and certain posts involving police work or assisting the police.
- Personnel working in the Service Fraud Office, the National Crime Squad, the National Crime and Intelligence Service, HM Revenue and Customs and the office of the Police Ombudsman for Northern Ireland.
- Employment in the Prison service, including appointment to an Independent Monitoring Board
- Traffic Wardens
- Probation officers
- Employment connected with the provision of social services which involves access to young people, older people, people with physical or intellectual disabilities, people with mental health problems or chronic health conditions.
- Controller appointed by the Office of Care and protection.
- Employment concerned with the provision of health services within the National health Service or otherwise, which involves patients.
- Firearms dealer.
- Any occupation requiring a licence, certificate, or registration from the Gaming Board.
- Director, controller or manager of an insurance company.
- Director or other officer of a building society
- Childminder, foster parent, day care provider, social care worker
- Occupations under the control of the Financial Conduct Authority and listed bodies in the Financial Services and Markets Act 2000, Payment Service Regulations 2009 and the Electronic Money Regulations 2011
- Investment company director
- Any member of a UK recognised investment exchange or UK recognised clearing house
- Any occupation concerned with the running of a private hospital or nursing home
- Any person or authorised (or subsidiary) company carrying out duties for or on behalf of the Civil Aviation Authority to provide air traffic services.

- National Lotter Commission Personnel and Lottery License Holders/Proprietors.
- Any occupation for which a certificate of fitness to keep explosives is required
- Medical practitioner
- Barrister
- Solicitor/European lawyer
- Chartered Accountant, certified accountant
- Chartered psychologist
- Teacher
- Dentist, dental hygienist, dental auxiliary
- Veterinary surgeon
- Nurse, midwife
- Ophthalmic optician, dispensing optician
- Pharmaceutical chemist
- Any profession to which the professions supplementary to the Medicine Act 1960 applies and which is undertaken following registration under that Act, e.g. physiotherapists, radiographers
- Taxi Drivers
- Posts regulated by the Security Industry Authority, namely door supervisors, cash and valuables in transit, close protection public space surveillance (CCTV operatives), security guards, key holders and immobilisation, restriction and removal of vehicles (car clampers).
- Positions covered by the Safeguarding Vulnerable Groups (NI) Order 2007 as amended by the Protection of Freedoms Act 2012.
- Persons working in Access NI
- People working in or managing registered establishments e.g. residential care homes, nursing homes, independent clinics, independent hospitals and independent medical agencies.

## Appendix 6

### **OFMDFM's Employers' Guidance for recruiting people with conflict-related convictions**

The key principles of this guidance are:-

- the fact that an applicant has a conflict-related conviction should not play a part until the individual has successfully gone through a selection process;
- conflict-related convictions that pre-date the Good Friday Agreement (April 1998) should not be taken into account by the employer unless it is materially relevant to the employment being sought;
- the onus of proof is on the employer to show material relevance;
- the seriousness of the offence is not in and of itself enough to make a conviction materially relevant;
- it will only be in very exceptional circumstances that a conviction will be materially relevant;
- if an employer considers that the preferred candidate's conflict-related conviction may be materially relevant to the post, the candidate should be given the opportunity to state his/ her case in terms of how the conviction is not materially relevant;
- if an employer decides not to offer employment on the basis of materially relevant conviction/s, the employer should explain the reasons for his/ her decision to the candidate; and
- an applicant who is denied employment on the grounds that a conviction is materially relevant has a right of appeal to a tripartite non-statutory review panel. Membership of this review panel will comprise a representative from each of the following: CBI; Trade Unions; and Government and officials from the NI Executive Office will provide Secretariat Support to the panel.

## Appendix 7

### Information on ACCESS NI

Access NI is a system for the disclosure of an individual's criminal history. It has been established by the Northern Ireland Office as a result of the introduction in NI. of Part V of the Police Act 1997. It replaces the POCVA NI service that was provided by DHSSPS.

It provides access to criminal history information for individuals and, in certain circumstances, to organisations who are recruiting to sensitive positions to make more informed recruitment decisions.

Please note, Access NI have produced a code of practice; a copy of this can be made available to you on request.

There are 3 levels of disclosures:

#### **Basic Disclosure**

This is a copy of a person's UNSPENT criminal convictions or states that no convictions were found. This service is available to individuals who apply for their own record.

#### **Standard Disclosure**

These are primarily for posts that involve working with children or adults at risk of harm and/or adults in need of protection. Standard Disclosure Certificates may also be required for people entering certain professions such as members of the legal and accountancy professions and contains details of all convictions held on the police systems including spent and unspent convictions as well as details of any cautions reprimands or final warnings.

#### **Enhanced Disclosure**

This will provide NI and GB criminal record information held on an individual, including spent and unspent convictions, cautions and any other material, sometimes known as soft intelligence. (Information held by the police which does not relate specifically to a conviction, but which may be considered to be relevant to the position applied for). An Enhanced Disclosure will also provide DBS Children's Barred List and DBS Vulnerable Adults' Barred List information. Only organisations registered with Access NI can apply for this service. (Note-ISA now known as DBS)

#### **Regulated Position**

All regulated activity positions with children and adults at risk as defined under the Safeguarding Vulnerable Groups (NI) Order 2007, are subject to an Enhanced Disclosure and Barred List information.

**For further information on ACCESS NI please contact**

**Access NI  
PO Box 1085  
BELFAST BT5 9BD**

**Telephone: 0300 200 7888**

**Email: [ani@accessni.gov.uk](mailto:ani@accessni.gov.uk)**

**Online: [www.nidirect.gov.uk/access-ni](http://www.nidirect.gov.uk/access-ni)**

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## Appendix 8

### Definitions of 'Regulated Activity' - Children

The new definition of regulated activity in relation to children comprises, in summary.

1. **Unsupervised activities:** teaching, train, instruct, care for or supervise children or provide advice/ guidance on well-being, or drive a vehicle only for children.
2. **Specified places:** includes work for a limited range of establishments, with opportunity for contact, for example, schools, children's homes, childcare premises, children's hospital. It does not include supervised volunteers.

**No establishments within Council are considered 'specified places', as defined above.**

3. **Regularly:** work under 1 or 2 is regulated only if done regularly (see definition below).

For the purpose of 'regulated' posts within Council 'regularly' is defined as '**once a week, every week or more**' or on '**four or more days in a 30-day period, or overnight**'.

Posts which involve the day-to-day management/ supervision on a regular basis of a person who provides regulated activity are also regulated activity (including management of those people who would be in regulated activity if not for the supervision exemption).

Individuals, who go into different schools or equivalent settings to work with different groups of children, will not be considered to be working in 'regulated activity' unless their contact with the same children is regular, as defined above. For example, posts in Council where individuals go into schools across the Borough to deliver talks do not meet the definition of regulated activity as they visit a number of different schools but do not work regularly in the same school with the same children or vulnerable adults.

**Please note, a child is defined as anyone under the age of 18.**

#### Adults

Adults are no longer described as 'vulnerable'. The new definition of regulated activity for adults identifies the following six activities that, if any adult requires them, lead to that adult being considered vulnerable at that specific time:

1. Providing healthcare
2. Providing personal care
3. Providing social care
4. Assistance with general household matters
5. Assistance in the conduct of a person's affairs; or
6. Conveying

## Appendix 9

### Template for Applicant Disclosure Meeting & Assessing Relevance Guidelines

	<p>Thank (name of individual) for attending the interview and introduce everyone present (including name, job title and their role within the recruitment process).</p> <p>Assure the applicant that anything discussed throughout the meeting will be treated in the strictest confidence.</p> <p>Advise that a record note will be taken of the interview.</p>
	<p>Advise the applicant that due to the nature of the post they have been recommended to e.g. community centre supervisor etc involves substantial access to children and adults at risk and falls under the definition of 'regulated activity' under the Safeguarding Vulnerable Groups Act (2006) and Safeguarding Vulnerable Groups NI Order (2007) Advise that the Council has a duty of care to service users, clients and staff within the premises to ensure that they are not put at risk in any way and this therefore requires the Council to conduct an Access NI Check</p> <p><b>OR</b></p> <p>Advise the applicant that the criminal conviction they declared on the 'Disclosure Form' may have a material impact upon the post they have been offered (e.g. an individual with a criminal conviction for joy riding or car theft being recommended for appointment to a driving post or fraud in relation to a finance post etc).</p>
	<p>Explain that the purpose of this meeting is to clarify the exact details in respect of:</p> <p><b>(a)</b> The information obtained from the Access NI in respect of the criminal conviction check. This may be a case pending or convictions which have or have not been declared on the Disclosure Form etc.</p> <p><b>OR</b></p> <p><b>(b)</b> The information they provided on the disclosure form at pre-employment stage in respect of their criminal convictions. (Nb. If an applicant declares a conviction, it can be discussed, even if it was not disclosed via an Access NI check. E.g. a spent conviction.)</p>
	<ul style="list-style-type: none"> <li>• If applicable, explain what the information obtained from the Access NI check has identified. This may be a case pending or convictions which have or have not been declared on the Disclosure Form etc.</li> <li>• If applicable, verify that the information received from the PSNI, Criminal Records Office relates to the applicant. In order to do this, ask the applicant to confirm his/her name, address, national insurance number and date of birth.</li> </ul>

	<ul style="list-style-type: none"> <li>• If applicable, ask why the applicant failed to disclose this information on the Disclosure Form.</li> </ul>
	<ul style="list-style-type: none"> <li>• Ask the applicant relevant questions in respect of the nature/details of the case or conviction including dates, how old they were at the time etc.</li> <li>• If applicable, for instance, if they have a case pending, ask if they have been to court.</li> </ul>
	<ul style="list-style-type: none"> <li>• If applicable, ask if they are still on probation. If so, when do visits happen and where? Do they happen outside of the work place? Do they conduct unplanned visits? Have they attended all meetings with their probation officer? Ask if you can speak to their probation officer with consent?</li> </ul>
	<ul style="list-style-type: none"> <li>• If they have been in a Young Offenders Centre or other Prison Establishment. Were they involved in any programmes there? What does the programme involve?</li> </ul>
	<p>If applicable, ask if they have had any contact with support services, such as NIACRO (Northern Ireland Association for the Care &amp; Resettlement of Offenders)? Are they on any of their Employability Programs? If so, what do these involve?</p>
	<ul style="list-style-type: none"> <li>• Ask if there have been any relevant developments in their situation since.</li> <li>• Ask whether or not they themselves feel it has any bearing on their suitability for the post</li> <li>• Give applicant the opportunity to discuss concerns/queries.</li> <li>• Inform applicant that the information needs to be assessed in terms of the relevance and risks involved in their capability to fulfil the duties of the post.</li> <li>• Inform applicant that you will be in touch in due course, when decision has been made.</li> <li>• Finally, thank applicant once again for attending the meeting.</li> </ul>

### Assessing Relevance Guidelines

<p><b><u>Motoring Offences</u></b></p> <ul style="list-style-type: none"> <li>• Excess Speed</li> <li>• No driving licence</li> <li>• Careless/dangerous driving</li> <li>• Driving whilst unfit with drink or drugs</li> <li>• Driving whilst disqualified</li> <li>• Causing death by dangerous driving</li> <li>• Taking and driving away</li> </ul>	<p><b><u>Assessing Relevance</u></b></p> <p>Is there a responsibility to drive passengers on behalf of Council? Is driving an essential task?</p>
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<p><b><u>Offences of Dishonesty</u></b></p> <ul style="list-style-type: none"> <li>• Taking a vehicle without owner's consent</li> <li>• Making off without payment</li> <li>• Obtaining property by <ul style="list-style-type: none"> <li>- Deception</li> <li>- Theft/shoplifting</li> <li>- Fraud</li> <li>- Counterfeiting</li> <li>- Burglary</li> </ul> </li> </ul> <p><b><u>Public Order and Damage to Property</u></b></p> <ul style="list-style-type: none"> <li>• Jaywalking</li> <li>• Disorderly behaviour</li> <li>• Riotous behaviour</li> <li>• Indecent behaviour</li> <li>• Intimidation</li> <li>• Harassment</li> <li>• Criminal damage</li> <li>• Endangering life</li> <li>• Malicious damage</li> <li>• Arson</li> </ul> <p><b><u>Drugs</u></b></p> <ul style="list-style-type: none"> <li>• Importing controlled drugs</li> <li>• Possessing controlled drugs</li> <li>• Possession with intent to supply</li> <li>• Producing controlled drugs</li> <li>• Supplying drugs</li> </ul> <p><b><u>Offences of Violence</u></b></p> <ul style="list-style-type: none"> <li>• Common assault</li> <li>• Assault occasioning actual bodily harm</li> <li>• Malicious wounding</li> <li>• Grievous bodily harm</li> <li>• Manslaughter</li> <li>• Murder</li> <li>• Kidnapping/false imprisonment</li> <li>• Cruelty to person under 16 years</li> <li>• Robbery</li> <li>• Armed robbery</li> </ul> <p><b><u>Sexual Offences</u></b></p> <ul style="list-style-type: none"> <li>• Indecent behaviour</li> </ul>	<p>Does the post involve responsibility for cash or for the administration of accounts? What administration checks and balances are already in place?</p> <p>Are there any particular concerns in the work place in regard to health and safety? Would the postholder have specific responsibility for equipment/property?</p> <p>Will the person be required to operate machinery? Is there access to any substances that could be abused? Would other employees be at risk? Are there child protection concerns?</p> <p>Does the post involve contact with the public? Are there aspects of the job that are particularly demanding or stressful?</p> <p>Is the nature of the offence understood?</p>
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<ul style="list-style-type: none"> <li>• Indecent exposure</li> <li>• Indecent assault (adult/child)</li> <li>• Buggery</li> <li>• Gross indecency(with child)</li> <li>• Unlawful carnal knowledge</li> <li>• Internet pornography</li> <li>• Rape</li> </ul>	<p>Does the post involve contact with children or adults at risk?</p> <p>Does the post present opportunity for access to potential victims?</p> <p>What child protection procedures are already in place?</p> <p>Would other employees be at risk?</p> <p>Will the person have managerial responsibilities?</p>
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**TIME AND RECORDING POLICY**

<b>Policy Number</b>	
<b>Version Number</b>	0.1
<b>Author</b>	Head of OD/HR

<b>Screening Requirements</b>			
<b>Section 75 Screening</b>	Screening Completed:	Yes/No	Date:
	EQIA Required and Completed:	Yes/No	Date:
<b>Rural Needs Assessment (RNA)</b>	Screening Completed	Yes/No	Date:
	RNA Required and Completed:	Yes/No	Date:
<b>Data Protection Impact Assessment (DPIA)</b>	Screening Completed:	Yes/No	Date:
	DPIA Required and Completed:	Yes/No	Date:

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## 1. INTRODUCTION

- 1.1 Causeway Coast and Glens Borough Council is committed to ensuring compliance with time and recording procedures in order to maintain accurate records for governance purposes.
- 1.2 Causeway Coast and Glens Council have introduced a single electronic time and recording platform for employees. Employees use the system to accurately record their working hours and input all leave via the ESS (employee self-serve).
- 1.3 The Time and Recording Policy covers the procedures for attendance, absence reasons, time recording processes and utilization of the ESS (Employee Self Serve) and TWC (The Web Client) to include the management, monitoring and reporting of attendance and absences.
- 1.4 This document sets out the policy and procedure for Time and Recording to ensure that all employees are aware of their rights and responsibilities.

## 2. POLICY STATEMENT

2.1 This policy provides a framework for consistent and fair application of time and recording procedures. All employees are responsible for recording their time worked using the Council's time and recording system.

2.2 The objective of this policy is to:

- Set out the procedures for utilisation of the time recording system to ensure accurate reporting of time worked by individuals.
- Manage and monitor flexi, toil and annual leave processes in a fair and consistent manner.
- Match and reconcile any remaining manual timesheets with the electronic time recording records.
- Comply with related Council policies.
- Comply with legislative requirements.

This policy does not form part of an employee's contract of employment and Council may amend it at any time.

Signed: \_\_\_\_\_ Date: \_\_\_\_\_  
Mayor  
Causeway Coast and Glens Borough Council

Signed: \_\_\_\_\_ Date: \_\_\_\_\_  
Chief Executive  
Causeway Coast and Glens Borough Council

### 3. POLICY SCOPE

- 3.1 The Time and Recording Policy applies to all employees, agency workers, casual workers, volunteers and secondees who are registered on Council's time and recording system. This policy applies whether they are fixed-term, temporary, permanent, full or part-time. The collective term 'employees' will be used throughout this policy to apply to all of the groups listed above.
- 3.2 Annual leave entitlements will be provided in line with National Joint Council for Local Government and any agreements negotiated locally by Council and its recognised trade unions.

### 4. DEFINITIONS

**Causeway Coast and Glens Borough Council Employee** - an employee is any person under a current contract of employment with Causeway Coast and Glens Borough Council, including part time, temporary and fixed term contracts.

**The Council** - is the employing authority and is represented by Management.

**Management/Line Manager/Head of Service** - are those employees charged with line management responsibility for Council employees and accountable for service provision, administration and implementation of Council's business.

**OD/HR Representative** - is an employee of the OD/HR Department who provides guidance and support in the implementation of this policy.

**Agency Workers** - on assignment with Causeway Coast and Glens Borough Council through a recruitment agency.

**Supported Employment** – on assignment with Causeway Coast and Glens Borough Council through this scheme which provides employment for people with disabilities or health conditions.

**Internal Secondment** – within Causeway Coast and Glens Borough Council

**Outward Secondment** – from Causeway Coast and Glens Borough Council to an external organisation.

**External Inward Secondment** – from an external organisation to Causeway Coast and Glens Borough Council

## 5. ACCOUNTABILITY AND RESPONSIBILITY

This section outlines the Accountability and Responsibilities in relation to the policy as follows:

### 5.1 Corporate Responsibility

**Chief Executive**, on behalf of Council, carries overall responsibility for the governance of the Time and Recording Policy, ensuring audit recommendations are adhered to including addressing non-compliance of this policy.

**Directors/Head of Service** will oversee the effective management, auditing and monitoring of the Time Recording system within his/her directorate and will ensure consistent implementation, ensuring audit recommendations are adhered to including addressing non-compliance of the policy.

### 5.2 Management Responsibilities

**Line Managers** are responsible for:

- Ensuring they comply with this policy and procedure, and apply it effectively, fairly and consistently within their area of responsibility.
- Ensuring all employees are made aware of this policy and their rights and their responsibilities, as outlined in the procedure.
- Referring to and complying with other relevant Council policies procedures and guidelines which impact on time and recording.
- Ensuring their actions do not expose the Council to any unnecessary financial, legal or contractual risk.
- Obtaining, where appropriate, approval, advice or guidance from OD/HR on the application of the Policy.

### 5.3 OD/HR Responsibilities

**ODHR Department** are responsible for:

- Setting up employees on the system
- Maintenance of the system and reporting of faults to system supplier
- Carrying out audit / reviews to ensure compliance with the time and recording policy.

### 5.4 Employee Responsibilities

Employees are responsible for:

- Complying with this policy and procedure in a reasonable, constructive and appropriate manner.
- Working within the agreed guidance for time and recording arrangements.

## **6. TIME AND RECORDING PROCEDURE**

### **6.1 Employee Procedures**

Employees use the system to accurately record their working hours and input all leave via the ESS (employee self-serve).

Employees are supplied with an electronic swipe card to register their clocking in/out times on a timeware terminal. There are a number of terminals throughout council locations, see Appendix 1 for details. Where terminals are available electronic swipe cards must be utilised. Employees who are based at a work location with no terminal should submit their time worked using the attendance section of their ESS by submitting a pair of bookings.

Any other absences should be recorded in accordance with the associated glossaries available on the staff portal: Information – Organisational Development/Human Resources – Flexi time/Time & Attendance - Downloads

These absences must be recorded using the absence management section of the ESS by selecting appropriate absence reason.

Reports are automatically generated by the system to enable line managers and Senior Management Team (SMT) to manage, monitor and review the process.

Employees are responsible for:

- Complying with this policy and procedure in a reasonable, constructive and appropriate manner
- Working within the agreed guidance for time and recording arrangements
- Ensuring effective management of leave entitlement and booking arrangements taking responsibility for:
  - Management of personal annual leave entitlements
  - Discussing leave arrangements with line managers
  - Providing appropriate notice of leave requests
  - Submitting and recording through agreed systems
  - Ensuring that all leave taken is requested, recorded and approved.

Employees must use their electronic swiping card to accurately record their time worked. It is the employees' responsibility to ensure that all leave requests are entered onto the system via their ESS prior to leave being taken

as per timeframes detailed in associated policies e.g. maternity policy, annual leave policy.

For inputting all absences, please refer to the associated glossaries available on the staff portal: Information – Organisational Development/Human Resources – Flexi time/Time & Attendance – Downloads.

Any timeware queries should be forwarded to:  
[timewarequeries@causewaycoastandglens.gov.uk](mailto:timewarequeries@causewaycoastandglens.gov.uk)

## 6.2 Line Manager Procedures

Line managers are responsible for the management, monitoring and authorisation of requests including amendments and additions of the System within their Department ensuring operational requirements are maintained.

Manual timesheets and the working hours entered on the time and recording system must be matched and reconciled, so that they are consistent with one another prior to approval.

Any employee in your department that has supervisory responsibility and are off on long term absence, please forward an email with a interim line manager to [timewarequeries@causewaycoastandglens.gov.uk](mailto:timewarequeries@causewaycoastandglens.gov.uk) This will ensure that all employee/agency workers requests are kept updated.

During long periods of employees' absence, e.g. sickness, career break etc it is the line managers responsibility to input absence reasons on the employees behalf to ensure timeware accounts are kept up to date.

Please refer to the associated line manager glossaries which are available on the staff portal. This document can be found at: Information – Organisational Development/Human Resources – Flexi time/Time & Attendance - Downloads

Line managers can forward any other queries to:  
[timewarequeries@causewaycoastandglens.gov.uk](mailto:timewarequeries@causewaycoastandglens.gov.uk)

## 7. REPORTS

The system automatically generates the following reports:

- 7.1 Daily:** At 10.00am each morning, the system generates an email to all line managers with outstanding attendance and/or absence management requests, awaiting a decision. These requests should be dealt with by the line managers within five working days from receipt of this daily email.
- 7.2 Four Weekly:** the system generates an email to all line managers showing flexi and toil balances for their team. Line managers should monitor and review this report, addressing and actioning any discrepancies/anomalies e.g. excessive deficits.

This is to ensure compliance with the Council's Flexible Working Hours Scheme and Toil Policy. All actions should be completed by the line manager within two weeks of receiving the reminder email.

- 7.3 Quarterly:** the system generates an email on a quarterly basis to all line managers showing annual leave balances for each member of their team. Line managers must manage, monitor and review this report, in line with Council's Annual Leave Policy and Working Time Regulations, taking into consideration operational requirements to ensure service delivery.

All actions should be completed by the line manager within two weeks of receiving the reminder email.

## **8. AUDITS**

- 8.1 Annual Leave Audit** – On a quarterly basis the OD/HR department will carry out a reconciliation of all annual leave balances between time recording system and PAMS (Personnel and Management System).

Following this audit, an annual leave balance report will be provided to SMT (Senior Management Team) for consideration / action at their next meeting .

- 8.2 Duplicate Entries** – The system automatically generates a list of duplicate entries which the system administrator will action accordingly.

- 8.3 System Inspections** – will be completed on a regular basis by the system administrator to identify anomalies, large deficit balances, outstanding requests to line managers and non-compliance of the system, of which will be actioned accordingly.

## **9. EVALUATION AND REVIEW OF THE POLICY**

Council will keep this Policy under review as required and may make changes in line with legislation.

## **10. SECTION 75 EQUALITY AND GOOD RELATIONS**

Causeway Coast and Glens Borough Council is fully committed to meeting its obligations in relation to Equality and Good Relations under Section 75 of the Northern Ireland Act. In this regard this policy will be screened using Section 75 guidelines and will be subject to an Equality Impact Assessment if found necessary as a result of the screening process.

## **11. CONTACT DETAILS**

Any issues or queries relating to this policy should be addressed to:

Head of ODHR  
ODHR Department  
Causeway Coast and Glens Borough Council  
Cloonavin  
66 Portstewart Road  
COLERAINE  
BT49 1EY

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## APPENDIX I

### TERMINAL LOCATIONS

CLOONAVIN

RIADA HOUSE

BALLYMONEY TOWN HALL

CONNELL ST OFFICES, LIMA VADY

SHESKBURN HOUSE, BALLYCASTLE

BALLYQUINN DEPOT, LIMA VADY

MARKET STREET DEPOT, BALLYCASTLE

KNOCK ROAD DEPOT

NEW MILLS ROAD DEPOT

LOUGHANHILL DEPOT

FLOWERFIELD ARTS CENTRE

ROE VALLEY ARTS & CULTURAL CENTRE

ROE VALLEY LEISURE CENTRE

THE BOWL PORTRUSH

COLERAINE LEISURE CENTRE

JOEY DUNLOP LEISURE CENTRE