

Integrated Impact Assessment

About proposal

What does this proposal relate to? Policy

Proposal name: Workplace Drug & Alcohol Support Policy and With Cause Drug & Alcohol Testing

High level summary of the proposal: We are introducing a Workplace Drug & Alcohol Support Policy to replace and expand upon the existing Substance Misuse Guidance. This policy aims to create a more supportive working environment with a structured and compassionate approach where concerns relating to drug and alcohol use are apparent.

Key elements of the policy include:

- A supportive framework with an emphasis on early intervention, support and treatment/counselling for employees who may be experiencing difficulties related to drug or alcohol use.
- Introduction of With Cause testing utilising a formal process which allows the Council to test employees where there is reasonable suspicion of impairment in the workplace.
- A clear outline of procedures and responsibilities with defined roles for managers, HR and occupational health in identifying concerns, initiating support and managing testing procedures.
- A focus on Health & Safety which reinforces the Council's commitment to maintaining a safe working environment for all employees and customers.

Who may be affected by the proposal? Employees, contractors and agency workers of The Highland Council

Start date of proposal: 01/05/2024

End date of proposal: 01/08/2025

Does this proposal result in a change or impact to one or more Council service? No

Does this relate to an existing proposal? No

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Sign off date: 2025-08-04

Evidence and consultation

What sources have you used to gather information relating to this proposal? Consultations, National or local data, National or local research, APSE recommendation within Audit

Are there any gaps or missing information in the available sources selected above? No

Have any stakeholders been involved in the development of the proposal? Yes

Which stakeholders have been involved and how you have engaged with them? Working group meetings including TUs and Service representatives (consultations), benchmarking with other LAs and private sector organisations.

In addition to involving stakeholders, have there been any other formal consultations? Yes

Provide details of the consultations: Trade Unions - no concerns were raised throughout the development of the Policy and process with regards to Data Protection.

HR Sub - no concerns raised regarding data protection as the system (OHIO) is already used for submitting and recording occupational health information and health surveillance for employees.

Legal team - no concerns raised regarding data protection.

Will there need to be any further formal consultation undertaken prior to proposal implementation? No

Equalities, poverty and human rights

Protected characteristics

Bearing in mind the articles of the Human Rights Act, select what impact the proposal will have on the following protected characteristics:

Sex:

Age:

Disability:

Religion or belief:

Race:

Sexual orientation:

Gender reassignment:

Pregnancy and maternity:

Marriage and civil partnership:

Protected characteristics impact details:

Vulnerable groups

Select what impact the proposal will have on the following vulnerable groups:

Unemployed:

Lone parent families:

Young children:

Older people:

Homeless:

Looked after children:

Low-income households (in-work poverty):

Vulnerable groups impact details:

Human rights

Select what impact the proposal will have on the below human rights:

Article 8: Respect for private and family life, home, and correspondence:

Article 9: Freedom of thought, belief and religion:

Article 10: Freedom of expression:

Article 11: Freedom of assembly and association:

Article 12: Right to marry and start a family:

Article 14: Protection from discrimination:

Article 1, Protocol 1: Right to peaceful enjoyment of property:

Article 2, Protocol 1: Right to education:

Article 3, Protocol 1: Right to participate in free elections:

Human rights impact details:

Children's rights and wellbeing

What likely impact will the proposal have on children and young people?

Impact

Select whether the proposal will have positive or negative impact on the following children's rights articles:

Article 3 - best interests of the child:

Article 12 - respect for the views of the child:

Article 23 - children with a disability:

Article 27 - adequate standard of living:

Article 28 - right to education:

Article 29 - goals of education:

Article 31 - leisure, play and culture:

Children's rights impact details:

Will the proposal impact any other UNCRC articles not listed above?

Data protection

Lawfulness, fairness, and transparency

Why will you need to process personal data as part of this proposal? The Highland Council is required to process employee personal information to enable us to undertake 'With Cause' testing in relation to health and safety in the workplace.

'With Cause' testing may also be requested by the employee as a supportive measure where Drug or Alcohol use is a concern.

The requirement for processing personal data is Article 6(1)(c) of UK GDPR - processing is necessary for compliance with a legal obligation to which the controller is subject. Health and Safety at Work, etc. Act 1974 and other subordinate legislation.

This legal obligation may require the Council to process special categories of personal data e.g., health information. The processing of this data is covered by the condition under Article 9(2)(b) of UKGDPR - processing is necessary for the purposes of carrying out the obligations of the

controller or of the data subject in the field of employment.

Will the data subjects be aware that we are using their data for this purpose? Yes

Purpose limitation

Will the data be used for purposes other than what is set out in the proposal? Yes

What other purposes will the data be used for? Data reporting but not identifying individuals.

Will data be shared with other services or organisations? Yes

Which services or organisations will the data be shared with? The Highland Council may share information with other organisations if required, for example:

Health and Safety Executive
Emergency services: police and ambulance
Council Insurance Team
Council's HR team
Employee's line manager
Occupational Health, Safety and Wellbeing team

How will this be monitored? Records will be held in a secure system, OHIO, which is managed by our Occupational Health Provider, PAM and all employee records are retained in accordance with agreed Corporate retention schedules.

Access and visibility to the employee record are restricted to the Referring Officer, HR, Health, Safety and Wellbeing team and the employee's line manager.

Data can only be extracted by the Occupational Health, Safety and Wellbeing team or HR Data Analysts.

Data minimisation

Will you process personal data as part of this proposal? Yes

Will you anonymise data where possible? Yes

Have you confirmed that you will only process the minimum data required to fulfil the purpose? Yes

Accuracy

How will you ensure data is kept up-to-date and accurate? The Referring Officer will input information having obtained consent from the employee. The software is maintained by the Occupational Health provider PAM who inputs the test results. The OHSW team have a Superuser whose role involves checking the accuracy of information.

How will you monitor the quality of the data? The data required is specific and factual, for example name, date of birth.

Storage limitation

How long will the personal data be kept for? Security and records management will be handled through the ICT and PAMs Ohio system, with all records stored securely and retained in accordance with corporate retention schedules

Is this included in the Council's retention schedule? Yes

How long will data shared with other parties be retained? PAM will hold the records for either the statutory retention period or, at the end or termination of a contract, data will be archived and then deleted once all interactions have been completed, which includes data transfer to another provider, where data transfer is applicable.

Does the IT system you use apply the retention appropriately? Yes

Integrity and confidentiality

Will you utilise the Council's existing systems to process data? Yes

List all systems that will be used to process data: OHIO

Will data be held in the service provider's cloud? Yes

Detail the provider's security arrangements: PAMs OHIO system holds personal data within the Cloud on AWS servers located with the UK. The OHIO environment is a 24/7/365 managed and monitored solution. This includes Threat Detection systems that monitor incoming traffic and actively block any potential threats, managed antivirus, OS updates and daily incremental and weekly full backup. All data is encrypted and protected on two fronts; the external web face and the internal layers of the OHIO environment. All traffic is subsequently filtered and provides network intrusion detection and vulnerability assessment solution which proactively responding to any detected threats.

Provide details of how you will control access to the data: To reduce the risk of Council staff accessing the system when they should not be able to, The Highland Council has implemented single sign-on (SSO) for access to OHIO. When staff leave the Highland Council, their SSO is disabled.

How will you ensure that staff are aware of their responsibilities? Specific guidance has been created for those responsible in the testing process.

Accountability

Is there an up to date privacy notice available on the Highland Council website? Yes

Do you have policies and procedures for staff to follow? Yes

What information will you provide to data subjects about how their data will be used? The Employee consent form includes a clear statement as to the purposes of collecting the data and how the data will be used. The employee is required to sign consent prior to the process being initiated.

Risks

Have any risks been identified in relation to personal data? No

Island and mainland rural communities

What are the impacts on island and mainland rural communities?

Will the delivery of the proposal vary between impacted communities?

Climate change

The climate change full impact assessment does not currently sit within our digital tool. The climate change content is accessible either as an appendix to this document, or can be found on the [Impact Assessment Register](#).