**Guidance for Line Managers and Investigation Managers following a Positive Drugs and Alcohol Test**

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| **When** | **Responsible** | **Action** |
| **Immediately following the positive result** | Line Manager | **Advise the employee** of the test result and that in line that they have to be suspended from all duties whilst the investigation process is undertaken.  Contact [HR Direct 0](https://www.hr-direct.net/default.aspx)800 0546 547 to open a case and for guidance on the suspension process. Contact your local HR team for additional guidance and support.  HR Direct / Local HR will talk you through the next steps and provide supporting documents and details on holding the conversation with the employee.  Advise the employee of [PAM Assist](https://networkrail.sharepoint.com/sites/nrmyconnect-technicalauthority/SitePages/Employee-Assistance-Programme.aspx?web=1) and the services they provide.  Agree a contact strategy with the employee. It is important that you remain in contact with the employee as a duty of care and to answer any questions that they may have. Double check you have their most up to date contact number. |
| Line Manager | **Inform the employee** that if they dispute the test result, wish to appeal against their positive test result they can arrange for Sample B to be tested by an alternative laboratory as per clause 15 of the of the Drugs and Alcohol Standard (NR/L2/OHS/00120).  The employee should use the [Sample B process](https://networkrail.sharepoint.com/:b:/r/sites/nrmyconnect-technicalauthority/Shared%20Documents/OH%20%26%20Wellbeing/Drugs%20and%20Alcohol/Arranging%20a%20for-cause%20D%26A%20test%20for%20an%20employee%20working%20at%20home.pdf?csf=1&web=1&e=lawQSh) document and [Sample B form](https://networkrail.sharepoint.com/:b:/r/sites/nrmyconnect-technicalauthority/Shared%20Documents/OH%20%26%20Wellbeing/Drugs%20and%20Alcohol/Arranging%20a%20for-cause%20D%26A%20test%20for%20an%20employee%20working%20at%20home.pdf?csf=1&web=1&e=lawQSh) to arrange this.  The employee is responsible for any costs associated with Sample B analysis. Network Rail does not hold any information on costs associated with Sample B analysis. |
| Line Manager | **Advise the employee** if they wish to appeal against their positive test result, Section 14 of the Drugs and Alcohol Standard (NR/L2/OHS/00120) outlines the appeals process, including the appeal criteria which must be met for appeals to be accepted. |
| Line Manager | If the employee would like to request a copy of their toxicology report support their case, they will need to obtain this by emailing [HRAdministrationHRSS@networkrail.co.uk](mailto:HRAdministrationHRSS@networkrail.co.uk)  Requests can only be made by employees. |
| **Investigation** | Investigation Manager | **Familiarise** yourself with the NR [Drugs and Alcohol standard](http://networkrailstandards/StandardHeaderView.aspx?id=35295)  **Note:** Positive results are only reported by the Medical Review Officer (MRO) at the approved drugs testing laboratory. A drug screen result is treated as a ‘positive’ and recorded as a ‘fail’ result when the laboratory analysis reveals the presence of a drug above accepted cut-off levels and the MRO is satisfied that the findings are **not** justified by a legitimate medical need.  The MRO will only contact the employee to discuss their test results where further evidence may be required prior to reporting the final result. The MRO does not contact the employee in all cases prior to reporting a positive drugs test result. |
| Investigation  manager | **Familiarise** yourself with the [Disciplinary Policy and Procedure.](https://networkrail.sharepoint.com/sites/myconnect/hr/Documents/Policies%20%26%20Guides/Disciplinary%20policy.pdf?csf=1&e=gfVnzP)  Refer to HR Direct / Local HR. |
| Investigation  manager | Speak with HR Direct on the relevant steps and invite individual to an **Investigation Meeting** to discuss the positive test in more detail.  HR Direct / Local HR will provide you with guidance and support on conducting the investigation. |
| Line Manager/  Welfare  Manager | If you are not the investigation manager, you are responsible to continue to **maintain contact** with the individual. |
| Investigation  manager | Once the investigation is complete, evaluate the evidence and decide whether to **recommend** that the matter should progress to a formal Disciplinary Hearing. |
| **Appeals**  **against a**  **positive test** | Investigation  manager | Where there is evidence to believe that the drugs and alcohol screen test result (Positive – Fail) is incorrect, and the employee wishes to appeal, consider whether an appeal should be sponsored.  See Section 14 of NR/L2/OHS/00120 for the appeal criteria.  It is important to note that Sentinel’s appeals process is separate from any Network Rail’s Disciplinary Procedure.  If you do support sponsoring an appeal, you must contact the Technical Authority Occupational Health and Wellbeing Team via [healthandwellness@networkrail.co.uk](mailto:healthandwellness@networkrail.co.uk) within 60 days of the positive test result and include a letter stating the reasons for sponsoring the appeal.  It is important to note that the appeal may not be successful, which may have implications for the employee to continue in their substantive role. It is therefore important to liaise with them if you are considering this, prior to sponsoring an appeal.  To avoid unnecessary distress to the employee, it may be necessary to not share the final decision outcomes on their case, until the Health and Wellness Team have come to their decision. |