



SUTTON COMMUNITY TRANSPORT SCHEME (SCT) Alcohol and Drugs Policy Part 2 of 2

ALCOHOL AND DRUGS PROCEDURES AND PRACTICE

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2. SCT LEGAL OBLIGATION

2.1. *The Health and Safety at Work Act 1974* places a duty on employers to ensure the health, safety and welfare of their employees. They must ensure that employees do not injure themselves or endanger their colleagues or members of the public. This has particular relevance to alcohol, drugs or other substance misuse and the use of machinery or vehicles. The majority of SCT employees such as drivers who drive our buses and transport our service users from one destination to another are directly covered by this legislation.

2.2. *The Road Traffic Act 1988* states that any person driving, or attempting to drive, a motor vehicle whilst unfit to drive through alcohol use can be prosecuted under this act. This includes driving as part of work related activities.

2.3. *The Transport and Works Act 1992* states that it is a criminal offence for certain employees to be unfit through alcohol use whilst working on transport systems. The Operators of the system will be liable if they had been negligent in their duty to prevent the offence occurring.

2.4. Under the ***Management of Health and Safety at Work Regulations 1992***, employers have a duty to assess the risks to the health and safety of their employees. Knowingly allowing an employee to continue working when affected by alcohol and where their behaviour places the employee at risk could make an employer liable to prosecution.

2. PURPOSE OF THESE PROCEDURES

The main aim of these procedures is to set out SCT broad aims and approach to the misuse of alcohol, drugs and other related substances. These are to:

- 2.1** Prevent the misuse of alcohol, drugs or other substance misuse amongst its employees and ensure that they carry out their duties as safely as possible, without bringing harm to themselves or others with whom they interact with during their course of employment with SCT.
- 2.2.** Facilitate the early detection of employees with alcohol, drugs or other substance misuse problems so that they don't cause harm or injury to colleagues or service users.
- 2.3.** Encourage employees with an alcohol, drug or other substance misuse problems to seek assistance voluntarily before their work performance is affected.
- 2.4.** Highlight the circumstances under which alcohol, drugs or other substance misuse should be dealt with as a matter of capability, conduct or health and safety.
- 2.5.** Meet the organisation's legal obligation to discharge its duty of care to its employees, the users of its services and visitors to its premises or others (as far as it is practicable) who undertake work on its behalf.
- 2.6.** Comply with the organisation's legal obligations in general.
- 2.7.** Complement other policies related to disciplinary matters, substandard performance and sickness/absence.
- 2.8.** Prevent employees who are under the influence of alcohol, drugs or other related substances from causing injury to other people and bringing the name of the organisation into disrepute.

3. SCOPE OF THESE PROCEDURES

- 3.1.** These procedures applies to all SCT employees and persons who represent SCT in any official capacity (e.g. volunteers, travel trainers, work placement trainees etc.) or undertake work for it and who are engaged in driving, controlling (on & off road), engineering, training, passenger assistant/escort and other safety critical tasks.
- 3.2.** Actions taken under these procedures will be taken equitably irrespective of the race, colour, religion, nationality, age, ethnic origin, sexual orientation, disability, management status, trade union membership or social background.

4. USE/MISUSE OF ALCOHOL

- 4.1.** SCT is mindful of the dangers of alcohol and request that employees who consume alcohol outside working hours should do so sensibly and responsibly – and in such a way that it will not affect their performance during working hours.
- 4.2.** SCT will be supportive towards employees who wish to seek advice or help about alcohol problems by giving them the time (as far as it is practicable) during working hours to attend medical intervention classes or counselling sessions. While SCT will not pay for these interventions, employees will be paid their basic rates of pay during this time subject to documentary proof from a qualified/registered medical practitioner.
- 4.3.** SCT does not condone the consumption of alcohol by its employees during working hours.

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4.3.1 While it recognises that employees may do so outside of working hours, alcohol should not be consumed by those within the scope of the policy (See 3.1):

4.3.1. Prior to coming to work when it will have the direct effect of impairing employee's judgement/performance when they are back at work.

4.3.2. During lunch or meal breaks while still at work.

4.3.4. While undertaking work on behalf of SCT

4.4. Consumption of alcohol during working hours by employees or those who work on behalf or while representing SCT will be treated as gross misconduct.

4.5 SCT will take immediate disciplinary action against any employee or those who undertake work on its behalf if they are found to be under the influence of alcohol.

4.6. In cases, where employees have voluntarily declared that there is an alcohol-related problem and have taken remedial action to address the problem, SCT will be supportive and deal with the case sympathetically, although this would not preclude managers from pursuing conduct matters under its disciplinary procedures.

5. SCT APPROACH TO ALCOHOL MISUSE

As stated in 2.4., SCT will deal with incidences of alcohol misuse among its employees or those that undertake work on its behalf as a:

'Capability' matter, for physical incapacity, etc., which will be dealt with under its disciplinary policy.

'Conduct' matter for intolerable behaviour, sub-standard performance at work, lateness, unauthorised absence, endangerment to others etc. all of which will be dealt with under its disciplinary policy.

'Health' matter, where employee has a genuine health problem, is willing to seek immediate help and has indicated this to the manager. This will be dealt with under the SCT Sickness and Absence policy.

5.1. Alcohol misuse as a 'capability' issue

5.1.4. SCT will not endanger the health and safety of other employees, users of its services, members of the general public or those who undertake work for SCT by allowing such an employee to continue in their normal daily work while they are under the influence of alcohol or reasonably believed to be so.

5.2. Alcohol misuse as a 'conduct' issue

5.2.1. In cases where an employee has recklessly or deliberately disregarded SCT written and implied standards of conduct, by consuming alcohol during working hours - becoming physically incapacitated because of it AND/OR committing an offence because of it, disciplinary procedures will commence immediately.

5.2.2. In cases where alcohol is a contributing cause of bad conduct or disciplinary offence and when an employee has had a record of exceptional service, mitigating factors may be taken into consideration when imposing a disciplinary penalty under the disciplinary procedures.

5.3. Alcohol misuse as a health issue

5.3.1. In cases where an employee has voluntarily acknowledged misuse of alcohol as a genuine health problem and where a medical diagnosis has concluded that it is an illness; SCT will be supportive (as far as it is practicable) and may deal sympathetically with the employee by addressing the problem under its procedures for Sickness and Absence policy.

5.3.2 Voluntary acknowledgement on the part of the employee or willingness to seek help will not preclude the employee from facing disciplinary procedures.

5.3.3. In cases where the employee has refused to seek treatment, discontinued treatment/disregarded medical advice or refuse to take advantage of the support provided by the organisation, disciplinary proceedings will commence immediately.

6. DISCIPLINARY ACTION FOR USE/MISUSE OF ALCOHOL

6.1. Alcohol misuse under SCT's disciplinary rules is regarded as a **gross misconduct**, which will normally result in dismissal.

6.2. Consumption of alcohol by an employee while on duty or while carrying out duties under the influence of alcohol will lead to the commencement of disciplinary procedures.

6.3. SCT may consider suspending the use of the Disciplinary process ONLY in cases where an employee has had an exceptional service record with no record of previous misconduct. This concession will not be applied to every employee, but will depend on the special circumstances of each case.

7. USE/MISUSE OF DRUGS OR OTHER RELATED SUBSTANCES

SCT is a transport provider for a large number of vulnerable people who have mobility and/or learning disabilities.

As a result of this, it is vital that all our employees (without exception) and those who undertake work on SCT behalf are physically/mentally fit to carry out their duties as safely as possible without endangering the health/safety of others.

As with alcohol, the use/misuse of drugs or other associated substances results in *poor co-ordination, bad judgement and performance* - and SCT will not allow an employee who is under the influence of drugs or substances to undertake any work on its behalf. *The Misuse of Drugs Act 1971* defines three categories according to their relative harmfulness when abused. (See Appendix D for categories of illegal drugs). Prescribed medication and some over-the-counter drugs such as antidepressants, sleeping pills or hay fever remedies can cause drowsiness and loss of concentration. These effects may be intensified if even small quantities of alcohol, drugs or related substances are also consumed.

These side effects increase the risk of accidents particularly for staff operating machinery or working at heights. Employees taking medication are advised to ascertain potential side effects from their GP or pharmacist and to inform their Line Manager if there are any safety implications as soon as possible. Ignorance of such side-effects will not prevent such an employee from facing disciplinary action.

7.1. SCT will not condone or tolerate drugs or use of related substances that has the ability to affect performance/judgement during/at work and that which constitutes an offence at law.

7.2. SCT recognises its responsibility to comply with the law and in particular to co-operate with external agencies in taking any action to ensure that no criminal activity takes place in its offices, depots and premises.

7.3. SCT will not condone any action(s) that may lead to a health/safety risk and will not be sympathetic to any employee who is under the influence of drugs or other associated/related substances while at work. A greater proportion of our employees are engaged in driving duties and any consumption of drugs or other substances, can put the safety of other employees and service users at great risk.

7.4. Where an employee has voluntarily sought the support of SCT because of an addiction problem, SCT will encourage such an employee to seek medical help/treatment immediately and may suspend disciplinary proceedings against such an employee at its discretion until the expiry of a fixed date.

7.5. Employees must declare the use of medically prescribed drugs and over-the-counter medication for pre-existing, ongoing or new medical condition to their Line Managers in writing and by submitting documentary evidence regarding such medications. This declaration must include any substances or other drugs which may impair ability to undertake duties effectively.

7.6. Line Managers will then seek advice from an Occupational Health Medical Professional for information about how such medication can affect employee's work. Where applicable and if available, employees may be deployed to another position Within the organisation until the course of medication is finished. In such cases, employees will be treated as exempt from this policy. **Employees who fail to declare such medications will not be treated as exempt under this policy and will face disciplinary proceedings.**

(Please note that controlled prescribed drugs such as methadone, diamorphine, anabolic steroid, other prescription drugs such as diazepam, temazepam and related strong medications are not exempt).

7.7. In cases where such medically prescribed drugs are the direct cause of poor performance, co-ordination or conduct (and the use of such medication has been declared in writing with the submission documentary evidence to the Line manager as required in 8.5.), disciplinary actions will not be taken.

8. DISCIPLINARY ACTION FOR USE/MISUSE OF DRUGS OR OTHER RELATED SUBSTANCES

8.1. Use/misuse of drugs or other related substances that results in physical/mental incapacitation of an employee is regarded as a **gross misconduct**, under SCT rules. This will normally result in dismissal.

8.2. Consumption of drugs or related substances by an employee while on duty or undertaking work for SCT will lead to the commencement of disciplinary procedures.

8.3. SCT may consider suspending the use of the disciplinary process ONLY in cases where an employee has had an exceptional service record with no record of previous misconduct. This concession will not be applied to every employee, but will depend on the special circumstances of each case.

8.4. Any employee or those who undertake work for SCT, who is found selling drugs to other employees or dealing with drugs in its offices, depot or premises will be instantly dismissed and the appropriate authorities will be informed.

9. ALCOHOL AND DRUG SCREENING/TESTING (1)

9.1. SCT reserves the right to test all employees, trainees or volunteers in its employment or those who undertake work for it, for alcohol, drugs or other related/associated substances which can impair judgement, co-ordination or physical/mental ability.

9.2. Testing will apply to all Driving, Controlling, Engineering, Training and Passenger Assistant/Escort staff at all times and to administration and management staff when

they engage in such duties.

9.3. SCT also may also request for an alcohol AND/OR drug screening prior to confirmation of an offer of employment.

9.4. Testing or screening of employees may occur, during working hours or during the course of employment in the following situations:

- Where an employee is under the influence of alcohol and therefore incapable of effectively discharging their duties.
- Where an employee is reasonably believed to be under the influence of alcohol, drugs or other related substances.

9.5. Random or specific testing may occur at any time and SCT will not give advance warnings of such testings/screenings.

9.6. Testing or screening for alcohol, drugs or other related substances will be carried out by a member of staff (usually of a managerial or supervisory position) OR a representative of a specialist organisation acting on behalf of SCT AND qualified to do so.

9.7. Testing or screening will be undertaken using appropriate medical or other specialist equipment (such as Calibrated Breathalyser etc.) OR by taking samples which will be sent away to a UKAS accredited laboratory for appropriate testing.

9.8. Where immediate testing is required the results will be made available to the tested staff as soon as that is available.

9.9. Where testing is requested because a person is under the influence of drugs alcohol or related substances OR reasonably believed to be so, such a person will be told to remain on the premises until a member of staff who is qualified to do so OR a representative from the specialist organisation engaged by SCT arrives to conduct a test or screening. Failure to comply with this directive will lead to commencement of disciplinary process.

9.10. Failure of the employee to comply with the appropriate testing or screening will result in disciplinary action being taken.

9.11. SCT will ensure (subject to applicable laws governing privacy) that the results of the tests are disclosed to authorised parties only. This would usually be the employee's manager (wherever applicable), and in cases where SCT has to fulfil certain legal obligations, the appropriate authorities.

9.12. Appropriate disciplinary action will be taken if the employee's tests return as positive. Blood, breath or urine alcohol concentrations in excess of the following levels shall be regarded as a positive result:

- 30mg/100ml of blood alcohol (BAC)
- 14µg/100ml of breath alcohol (BrAC)
- 40mg/100ml of urine alcohol (UAC)

For drugs and other similar substances, SCT will rely on the verdict of experts in the relevant fields for determination of positive results.

9.13. In cases where employee's test is negative or inconclusive, disciplinary action will not be taken.

9.14. SCT will also retain the services of a Medical Review Officer (MRO) OR a similar qualified professional who will investigate possible explanations for any positive results in cases where test results are disputed OR where further clarification is requested. This is a safeguard mechanism for both the employees who have to be tested and SCT.

9.15. SCT will also comply with the Data Protection 1998, Human Rights Act 1998 and other relevant legislation to ensure that its employees are treated fairly and humanely

throughout the testing/screening process.

9.16. Testing/Screening of employees is designed as part of SCT Health/Safety policy to prevent unnecessary exposure to risks such as injuries or even fatalities which may occur as a result of misuse or abuse of alcohol, drugs and other related substances.

9.17. SCT will ensure that the specialist organisation it uses for testing or screening services is accredited by the United Kingdom Accreditation Service (UKAS).

10. CONFIDENTIALITY

Data Protection Act 1998

In keeping with the *Data Protection Act 1998*, all the records collected about employees as a result of alcohol, drugs or other substances testing or screening shall be kept confidential. This is subject to other legal obligations and shall only be used or released to authorised parties such as managers, senior managers or other SCT official who are directly responsible for conducting interviews or investigation on the issue.

SCT will also ensure that all the information or samples collected from employees shall be:

10.1. Processed fairly and lawfully

10.2. Obtained only for specified and lawful purposes, and shall not be processed in any manner incompatible with those purposes

10.3. Adequate, relevant and not excessive in relation to the purposes for which it is processed

10.4. Accurate and, where necessary, kept up to date

10.5. Kept for no longer than is necessary for the purposes for which it is processed

10.6. Processed in accordance with the rights of data subjects under the Data Protection Act 1998

10.7. Protected against unauthorised or unlawful processing and accidental loss, destruction or damage (as far as it is practicable).

10.1. Processed for the purposes of exercising or performing any right or obligation which is conferred or imposed by law on SCT in connection with employment

10.2. Processed for the necessary administration of justice, exercise of functions conferred by statute, or for the exercise of any function of the Crown.

APPENDICES

APPENDIX A

ROLES OF KEY PERSONNEL

1. EMPLOYEES

All SCT employees including volunteers, contractors or others who undertake work for SCT shall be:

- 1.1. Familiar with SCT Alcohol and Drug Policy/Procedure.
- 1.2. Take reasonable care of themselves and others who could be affected by their actions at work.
- 1.3. Report for work or duty in a fit state and not under the influence of alcohol, drugs or other related substances that may impair their performance at work, cause loss of concentration or lead to actions of endangerment to other SCT employees, users of its services and those who undertake work for it.
- 1.4. Be aware of the effects of alcohol, drugs or associated substances on health and work.
- 1.5. Avoid concealing the alcohol or drug problems of colleagues and report concerns about fellow employees who are displaying signs of alcohol or drugs use/misuse or related substances during working hours.
- 1.6. Seek immediate medical help if they are worried about their drinking habit or other habits, which may constitute a health risk to others.
- 1.7. Act as an appropriate role model and refrain from bringing SCT corporate name/image into disrepute.

2. MANAGERS

All SCT managers or others who undertake work or represent it in a managerial capacity shall be:

- 2.1. Familiar with the alcohol and drug policy, procedures and practice.
- 2.2. Set a good example through the responsible use of alcohol.
- 2.3. Be aware of and monitor sudden or consistent changes in work performances, attendance, sickness and accidents patterns.
- 2.4. Assist in encouraging employees to seek help voluntarily (where there is a problem with the use of alcohol, drugs or associated substances).
- 2.5. Inform employees of their rights and responsibilities under the policy/procedure.
- 2.6. Identify employees or those that undertake work for SCT who have a drinking or drug problem (as far as it is practicable) at an early stage through review of individual performance and absenteeism.
- 2.7. Avoid collusion with colleagues or other employees to conceal an employees' drinking or drug habits.
- 2.8. Ensure that employees are aware of what is expected of them including SCT standards relating to consumption of alcohol or use/misuse of drugs or associated substances.

2.9. Identify and make practical changes to aspects of the workplace and working conditions that may lead to excessive alcohol consumption.

2.10. Invoke SCT disciplinary procedures where appropriate.

3. ROLE OF HUMAN RESOURCES MANAGER

SCT Human Resources Manager shall be:

3.1. Familiar with the policy, procedures and practice.

3.2. Provide advice and assistance to managers on the operation of these procedures.

3.3. Advise managers on the suitability of the use of disciplinary procedures and on protocols to be followed during testing/screening for Alcohol, Drugs or related substances.

4. SCT ROLE

SCT shall:

4.1. Have an alcohol and drugs policy, and continually update the policy and practice in line with changes in employment law legislation.

4.2. Communicate the policy, procedures and practice to all its employees and those who undertake work or represent for it.

4.3. Keep employees adequately informed about the dangers of alcohol, drugs or other related substances and the consequences of such actions in relation to their employment in the company – through the distribution of appropriate leaflets and running awareness sessions.

4.4. Comply with all the relevant/appropriate legal obligations.

4.5. Promote good practice by actively supporting employees who have genuine alcohol, drugs or substance misuse problems by allowing for time off (as far as it is practicable) or varying work patterns (subject to business needs) for treatment.

5. TRADE UNION'S ROLE

5.1. To be familiar with the policy, procedure and practice.

5.2. To help inform workforce of the policy, procedure and practice .

5.3. To encourage members to seek help voluntarily – if there is an alcohol, drugs or other substance misuse problem.

5.4. To advise members of their rights and responsibilities under the procedures.

5.5. To help members at work and assist with rehabilitation (as far as it is practicable).

5.6. Co-operate with the organisation to ensure that use of alcohol/drugs or related substances at work or outside work (where work might be affected) is discouraged at all times.

APPENDIX B
THINGS TO NOTE ABOUT ALCOHOL

1. What is a unit of alcohol?

A unit of alcohol is equivalent to:

- 1 Glass of Table Wine
- 1 Glass of Sherry or Port
- 1 Single Whisky, Gin or Brandy
- Half a pint of Beer or Cider
- Quarter Pint of Super Strength Beer or Cider

2. Recommended safe limits of alcohol drinking

There is no safe limit of alcohol consumption. The government recommends no more than 14 units a week for both men and women.

The above is the current government guidelines but please note that this is not prescribed by SCT. Individuals react differently to alcohol and a safe limit cannot always be determined. Employees should be extremely cautious about their drinking habits as SCT will take appropriate disciplinary action against employees who are found working under the influence of any of the substances mentioned in this policy OR other related substances that are capable of inducing the same effect and impairing effective performance of duties.

2. Effects of alcohol

The effect of increasing doses of alcohol on the brain is similar to anaesthetics. The faculties last to be acquired in life are the first to go (conduct and behaviour) and those first acquired, are the last to go. Alcohol absorbed into the blood reaches the brain and from the very beginning there is an impairment of brain function, even though the drinker is not aware of it.

Factors such as age, body size, gender and previous illnesses (such as gastric or duodenal ulcers, pancreatitis, diabetes etc.) also affect how badly or how soon alcohol affects each person.

Behaviour is affected by increasing amounts of alcohol on the brain	
1 to 3 Units	Flushing of skin Heart speeds up Talkative
4 to 6 Units	Judgement is slower Giddiness Co-ordination is impaired
7 to 9 Units	Vision Blurred Speech Fuzzy Reaction times slows
10 to 15 Units	Staggering Loss of balance Double vision
20 Units plus	Skin is clammy Pupils are dilated
30 Units plus	Unconsciousness & Death

Consequences of Alcohol Use/Misuse on Health

Memory Loss

Alcohol Dependence

Weakness of heart muscle

Heart Failure

Anaemia

Liver Damage

Trembling Hands and Tingling Fingers

Frequent Colds

Cancer of the Throat & Mouth

Impaired sensations leading to falls

Premature aging

Inflammation of the pancreas

Aggressive & irrational behaviour

Arguments

Depression & Nervousness

Impaired sexual performance (in men)

Risk of giving birth to low weight or deformed babies (in women)

Legal Consequences

It is illegal to drive while over the legal limit of alcohol consumption. If any accident occurs because an employee is under the influence of alcohol, SCT will not accept any liability for it.

<p><i>Driving/attempting to Drive with excess alcohol</i></p>	<p><i>Fine - up to Level 5 (£5,000) and/or up to 6 months imprisonment</i></p> <p><i>Mandatory disqualification for at least 12 months for first offence</i></p> <p><i>Mandatory disqualification for at least 3 years for second offence within 10 years.</i></p>	<p><i>Being in charge of a motor vehicle with excess alcohol</i></p>	<p><i>Fine - up to Level 4 (£2,500) and/or up to 3 months imprisonment</i></p> <p><i>10 penalty points on your licence</i></p> <p><i>Disqualification is at the discretion of the Court</i></p>
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APPENDIX C
THINGS TO NOTE ABOUT DRUGS

1. Categories of illegal drugs

CLASS A: includes cocaine, ecstasy, heroin, LSD, mescaline, methadone, morphine, opium and injectable forms of class B drugs.

CLASS B: includes oral preparations of amphetamines, benzodiazepines, codeine and methaqualone.

CLASS C: includes most benzodiazepines (sleeping pills, tranquillisers), the less harmful amphetamines, cannabis and cannabis resin.

2. Effects of Drugs

Drug-dependence leading to psychotic illnesses such as schizophrenia etc.

Hepatitis

HIV Infection

Septicaemia

3. Legal Consequences

Class A	7 years and a fine	Life imprisonment and a fine
Class B	5 years and a fine	14 years and a fine
Class C	2 years and a fine	5 years and a fine

**APPENDIX D
CONSENT FORM**

SECTION A – TO BE COMPLETED BY SCT STAFF		
1. Company: SCT	2. Department:	3. Location:
4. Line Manager:		5. Job Title:
<p>I hereby give my consent to be tested or screened for Alcohol, Drugs or other associated substances, by a person or persons appointed by SCT also understand the following:</p> <ol style="list-style-type: none"> 1. That the breath test or samples which I have been given for the purpose of the testing/screening, as aforementioned, will be used only for the purposes intended by SCT 2. That the test or screening results will only be made known to myself, my manager, the Human Resources Department (for record keeping purposes and possible follow up) AND to any other legally authorised parties who may demand notification of my test results; 3. That the test samples or specimen I provided are mine and belong to no one else; 4. That my test/screening was administered by a person or persons, whom I believed are professionally qualified to do so. 5. That all the samples or specimens I have provided as part of this process will be analysed and stored according to the required legal and medical standards. <p>Signature: Date: Time:</p>		

SECTION B – TO BE COMPLETED BY WITNESS TO CONSENT	
6. Name:	8. Post Title:
Signature: Date: Time:	

SECTION C – TO BE COMPLETED BY SCT TESTER OR TESTING AGENT REPRESENTATIVE	
7. Name:	9. Post Title:
Signature: Date: Time:	