

## Drugs Policy & Procedure

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## Purpose

Suffolk Artlink actively seeks to provide an environment where all members of the community are safe from harm. As such, the charity takes a robust approach to any individual or group that violates our code of conduct, drugs and safeguarding policies.

Human rights must be respected; as such the responsibility to maintain high standards of behaviour lies with all members of the community. Suffolk Artlink acknowledges its legal duties under the Equalities Act 2010 in relation to all protected groups including SEND (Special Educational Needs and Disabilities) and will always take their circumstances into account. It is our aim to help all users of our services to be able to participate safely in a world where a wide range of drugs exist.

Suffolk Artlink works with children at risk and vulnerable adults. Concerns about drug and alcohol misuse by children and vulnerable adults are safeguarding concerns and must never be ignored. All staff, contractors, volunteers and trustees, must share their concerns with the safeguarding lead and follow the guidelines in the safeguarding policies and procedures.

In developing an effective drugs policy, Suffolk Artlink recognises its duties as a responsible organisation to act with regard to the following legislation: The Misuse of Drugs Act (1971) amended 1981, The Misuse of Drugs Regulations (1985), The Intoxicating Substances (Supply) Act (1985), the Medicines Act (1968), The Criminal Justice and Public Order Act, Road Traffic Act (1988), The Drug Trafficking Offences Act (1986), The Crime and Disorder Act (1998), and The Psychoactive Substances Act (2016).

This policy should be read in conjunction with the Health and Safety Policy, Safeguarding Policies and Procedures and Confidentiality and Information Sharing Policy.

## Persons Affected

All Suffolk Artlink service users.

All Suffolk Artlink trustees, staff, contractors and volunteers.

## Policy

The policy of Suffolk Artlink is to promote a drug-free environment through a zero-tolerance of illegally-held drugs (including prescribed drugs that are illegally held) on any premises used by the charity.

Suffolk Artlink seeks to provide a safe and harm-free environment for all its users and staff and is obliged under its duty of care to users and staff to address risk of the hazard. For this reason, should drugs be found on the premises, Suffolk Artlink will always act to minimise harm within the confines of the law and, where appropriate, to safely and legally transfer the drugs into police possession.

Suffolk Artlink recognises its responsibilities under the Misuse of Drugs Act (1971) amended 1981, to take all reasonable steps available to stop supply taking place and to assume supply

is occurring where supply is suspected. Suffolk Artlink will therefore not tolerate the supply of controlled drugs on its premises and will always act where it knows or suspects that supply is taking place.

Suffolk Artlink recognises that from time to time, service users (participants) may wish to use legally-held drugs and wishes to be clear that it has no position on this, so long as use does not create risk or distress to other users or staff.

Suffolk Artlink recognises that a number of service users may use alcohol and tobacco without risk to others and therefore will allow use within designated areas within the confines of the law. However, where misuse of alcohol is suspected Suffolk Artlink will always act and this may include making a safeguarding referral.

Suffolk Artlink further recognises its responsibilities to staff in providing a safe working environment.

Suffolk Artlink seeks to safeguard the physical health of all its users and staff. Suffolk Artlink therefore ensures a qualified first-aider is available and that first-aid kits are fully stocked.

Suffolk Artlink seeks to maintain a positive relationship with the police for the benefit of all its users and staff. As a result, information may be passed between the police and Suffolk Artlink to safeguard the community and Suffolk Artlink's interests. Should the police wish to search premises they should be invited to do so in all cases and staff are required to fully cooperate with the police.

Whilst Suffolk Artlink recognises that possession or use of some other drugs (see definition of drugs) does not constitute an offence under the Misuse of Drugs Act, it recognises its duty of care to provide a risk-free environment for all. The impact of behaviour influenced by these drugs may constitute a risk to others and therefore Suffolk Artlink will not tolerate their use on its premises.

## Definitions

**Premises:** For the purposes of this policy this is defined as any buildings and land owned, managed and hired by Suffolk Artlink.

**Drugs:** For the purposes of this policy, the term drugs is used to refer to illegally-held controlled drugs (e.g. cannabis, cocaine), prescribed controlled drugs (eg. Nitrazepam), non-prescription medicines, alcohol, tobacco, other substances which can distort perceptions or affect behaviour (e.g. solvents, amyl and butyl nitrites, GHB).

**Supply:** the provision or sale of an illegally-held drug from one person to another person.

**Sharps bin:** a dedicated and covered bin provided for the collection of drug-injecting paraphernalia and held at reception.

Incident Email Group: To include the Suffolk Artlink Co-Directors, the programme lead and, where working in partnership with another organisation, the main contact and, where appropriate, the staff safeguarding lead of the partner organisation. Where an incident relates to an issue caused by Suffolk Artlink staff the email group must include the Chair or Co-Chairs of the Board of Trustees and the trustee safeguarding lead.

## Management

The following establishes guidelines for staff in engaging and working effectively with individual users of its services within a safe environment where risk of harm to individuals, visitors and staff can be minimised.

## Responsibilities

All Suffolk Artlink staff, trustees and volunteers: The Misuse of Drugs Act (1971) amended in 2018, requires Suffolk Artlink to take all reasonable steps available to stop supply taking place. Legal action has demonstrated an intention by the state to hold staff individually liable where it can be demonstrated that supply has been tolerated on the premises. Staff and volunteers therefore have both a legal and professional duty to act wherever use or supply is suspected or known to have occurred.

All users, including staff, trustees, volunteers and participants (service users) of Suffolk Artlink premises must abide by Suffolk Artlink's Drug Policy and Procedures.

## Procedures

### 1 Possession or suspected possession of an illegally-held controlled drugs (examples: cannabis, ecstasy)

An incident or concern where an individual is known or believed to be in illegal possession of a controlled drug.

Actions to be taken:

Where working in partnership and the partner organisation is the designated lead for safeguarding, for example, when delivering activities in a youth club managed by Youth Services, staff should report concerns regarding participants to the senior youth worker. Staff will also provide a record of the incident to Suffolk Artlink's Co-Directors.

Where Suffolk Artlink is the lead organisation staff should report concerns to the most senior member of staff present. The most senior officer present, with support from another member of staff where appropriate, must immediately verify and challenge this behaviour before reporting the matter to the incident email group.

The senior officer must always take action against this behaviour. Action may include:

- Referring the individual to a relevant external agency for support, advice or information about drugs to reduce use or the risk of drug-related harm.

- Warning an individual that they are in breach of their enrolment terms and conditions/agreed code of conduct, where applicable.
- Terminating the service agreement of an individual due to their breach of terms.

Where the quantity of the drug or other factors suggests that the individual may be supplying drugs, refer to section 6 of this procedure, "Supply".

## 2 Possession of a prescribed controlled drugs (example: nitrazepam)

Incident or concern: an individual is known to use prescribed controlled drugs.

Actions to be taken:

- Parents/carers will be asked to advise the Project Officer (via their parental consent forms) if their child(ren) require prescribed medication and the dosage of the medication, if such a disclosure is relevant to their child's involvement at the project.
- Adults with learning disabilities or their parents and carers, will be asked to advise the Project Officer (via their registration forms) if they require prescribed medication and the dosage of the medication, if such a disclosure is relevant to the person's involvement at the project.
- Where the quantity of the drug or other factors suggest that the individual may be supplying drugs, staff should assume supply and refer to section 6 of this procedure "Supply of controlled drugs".
- Staff should not offer to store or hold any controlled drug, whether illegally held or prescribed to the individual.

## 3 Finding drugs in communal areas – prescribed controlled drugs

Incident or concern: a prescribed controlled drug is found in a communal area.

Actions to be taken:

- The law allows for a staff member to take possession of a controlled drug for the purpose of delivering it to someone authorised to possess it (e.g. the police or owner). The staff member should therefore remove the prescribed drug in order to return it to the owner. The staff member should remind the owner of their responsibility to store the medication safely and report the incident to the incident email group. Where the owner is unknown, the staff member should refer to section 5 of this procedure "Disposal of drugs".
- In response to the email report the programme lead should review the risk assessment for the individual and take further action.

## 4 Finding drugs in communal areas – illicit controlled drugs

Incident or concern: an illicit controlled drug is found in a communal area

Actions to be taken:

- The Misuse of Drugs Act (1971) amended 1981, allows a member of staff to take possession of an illicit controlled drug for the purpose of delivering it to someone authorised to possess it (e.g. the police; see section 5 “disposal of drugs”. Where the staff member knows or believes that an individual has brought the drugs onto the premises or is associated with the find, the staff member should refer to section 1 possession of an illegally held controlled drug.

## 5 Disposal of drugs

Incident or concern: a controlled drug has been removed from an area of the building.

Actions to be taken:

- The staff member who removed the drug must not hand the drug to any party other than the owner (in the case of a prescribed controlled drug) or the police. Where it is necessary to hand drugs to the police, the staff member should first report a description of the drug and its approximate amount to the incident email group.
- The police should then be called and advised that the member of staff will be bringing a drug to the police for disposal. The staff member should record the name and number of the police officer at this time, together with the time that the telephone call was made.

## 6 Supply of controlled drugs:

The Misuse of Drugs Act (1971) amended 1981, requires Suffolk Artlink to take all reasonable steps available to stop supply taking place.

Incident or concern: an individual is selling or is suspected of selling illegal controlled drugs on the premises, passing prescribed controlled drugs to a person who has not been prescribed the drug or sharing a drug with another person.

Actions to be taken:

- Where a member of staff suspects or knows supply of controlled drugs to have taken place, the matter should immediately be reported to the programme lead. Where appropriate and safe to do so, the member of staff may verify and challenge the behaviour of the individual, before reporting the matter to the incident email group. Where unsafe to do so, the member of staff may choose either to immediately report the matter to the police (dial 999) or report the matter to the incident email group. Where a member of staff is concerned that someone is in immediate risk of harm they should always call the police on 999.

Staff must always take action where supply is suspected or known. Action may include:

- Discussing with the individual that supply of controlled drugs is suspected – where an individual suspected of supply is the subject of repeated suspicion or allegation,

Suffolk Artlink is required under the Misuse of Drugs Act (1971) amended 1981, to take further action against the individual.

- Terminating the individual's project involvement agreement.
- Passing details of the individual to the police and asking them to take further action.

### 7 Use of other drugs (examples: solvents, amyl and butyl nitrites, GHB).

Whilst Suffolk Artlink recognises that possession or use of these drugs does not constitute an offence under the Misuse of Drugs Act, it recognises its duty of care to other members to provide a risk-free environment for all. The impact of behaviour influenced by these drugs on other members may constitute a risk to others and therefore Suffolk Artlink will not tolerate their use on its premises.

Incident or concern: an individual is known or suspected to be using or supplying one of the above other drugs on the premises.

Actions to be taken:

- The staff member should take action in line with previous sections of this procedure, acting as though the drug were an illegally-held drug.

### 8 Alcohol and tobacco:

Suffolk Artlink operates a No Smoking policy while on the premises, but allows smoking to take place in nominated external areas that are without risk to others. Alcohol may only be consumed on the premises with the prior agreement of a Co-Director. See also Suffolk Artlink's Health and Safety Policy, section "Alcohol and Substance Misuse".

Incident or concern: misuse of alcohol is suspected.

Actions to be taken:

The staff member should report the matter the senior officer present.

Staff must always take action against this behaviour. Action may include:

- Referring the individual to a relevant external agency for support, advice or information about alcohol to reduce use or the risk of alcohol related harm.
- Warning an individual that they are in breach of the terms of their project involvement conditions/agreed code of conduct, where applicable.
- Terminating the agreement of an individual due to their breach of terms.

Remember the duty of care to the individual and others.

### 9 Sharps or other paraphernalia:

Suffolk Artlink seeks to ensure a safe and risk-free environment for all its members. For this reason, it will be a contractual obligation that sharps bins are made available in projects where this need arises for the safe disposal of injecting equipment. The unsafe disposal of

injecting equipment will therefore be considered a serious breach of the drugs policy and action will always be taken where an individual is known to have committed this breach.

Incident or concern: a needle or other item of paraphernalia is discovered.

Actions to be taken:

- Where needles are found by a member of staff, staff member should ensure that the area is immediately restricted. The staff member should then inform the host venue / partner organisation and ensure that the staff take the sharps bin to where the item has been found and, using a dustpan and brush, the item should be moved to the sharps bin. The staff member should then report the incident to the incident email group.

### 10 Needle stick injury

Incident or concern: a staff member or individual receives a prick, scratch or puncture by a needle.

Actions to be taken:

- The member of staff should immediately consult their appointed first aid officer.
- The First Aider will then act in line with the First Aid Policy.
- The First Aider should report the incident to the incident email group and the person's Manager.

### 11 Transporting sharps bins:

Sharps bins are controlled waste and for this reason represent a potential hazard to the local community. Suffolk Artlink wishes to minimise this hazard.

Incident or concern: a sharps bin requires its contents to be disposed of.

Actions to be taken:

- Staff at the host venue should be informed, so that the member of staff charged with disposal of the sharps bin should make contact with the Suffolk County Council Environmental Services and seek advice from them.

### 12 Suspected Overdose:

Suffolk Artlink seeks to safeguard the physical health of all its members and therefore ensures a qualified first-aider is available at all times and that first-aid kits are fully stocked.

Incident or concern: a member of staff suspects an individual has experienced an overdose of drugs.

Actions to be taken:



- The member of staff should immediately consult the First Aid officer and receive instructions from them, unless to do so would delay medical attention.
- The First Aider should take action in line with the Health and Safety Policy. They should call on the emergency services for assistance (999).
- They should then report the incident to the incident email group.

### 13 Police Involvement:

Suffolk Artlink seeks to sustain a positive relationship with the police at all times to the benefit of all its members. As a result, information may be passed between the police and Suffolk Artlink to safeguard the community and Suffolk Artlink's interests.

Incident or concern: the police wish to search premises, or wish for information on an individual.

Actions to be taken:

- Should a staff member be approached by the police for access to the site or information on an individual, the staff member should, if possible, refer the matter to the Co-Directors.
- The Co-Directors should initially verify the identity of the police officer in attendance and note their name, number and station before reporting the matter to the incident email group with full details.
- If an enquiry is made by telephone, the Co-Directors should note their name, number and station before returning their call using the appropriate police station switchboard; the Co-Directors should again report the matter to the incident email group.
- The Co-Directors should however ensure they provide all assistance necessary to assist the police with their enquiries.

### 14 Proactive measures:

Suffolk Artlink recognises the need to mitigate against drug use and supply beyond simply responding to incidents as they occur. For this reason, it has in place a number of contingencies to minimise risk of harm relating to drug use on the premises. These include:

- Sharps bins: To minimise risk of needle stick injury and to provide safe means for the removal of paraphernalia, sharps bins are provided at key locations, where appropriate/relevant.
- Appropriate staff are able to quickly identify a range of drugs on the premises

- In order to ensure that staff are furnished with accurate and up-to-date knowledge of drug identification, management and harm minimisation, staff will receive drugs awareness training as appropriate and relevant to their work and role.

### 15 Alcohol and Substance Misuse by Staff

Suffolk Artlink has a responsibility to ensure that standards of work and conduct are maintained in the workplace.

All staff should be aware that under Section 7 of the Health and Safety at Work Act 1974 “it shall be the duty of every staff member while at work to take reasonable care for the health and safety of himself/herself ‘/their self’ and of other persons who may be affected by his/her ‘/their’ acts or omissions at work”

An employment definition of alcohol or substance related work problems or difficulties is: Any use of alcohol or other substances which interferes with a person’s health and social functioning and/or work capability or conduct.

Suffolk Artlink will deal with the following situations in accordance with the Disciplinary Policy and Procedure:

- a) Unlawful dealing in drugs by a member of staff on any Suffolk Artlink premises or other designated work areas will be classed as gross misconduct and the member of staff will be liable to summary dismissal and the circumstances will be referred to the police.
- b) Where offers of help and support have been rejected by an individual and where a staff member’s conduct and/or standards of work performance continues to be unacceptable.
- c) Where the manager considers that a staff member may be putting themselves or others at risk.
- d) Where excessive consumption on isolated or random occasions leads to unacceptable behaviour with regard to appropriate standards of safety and conduct.
- e) Being found in possession, without good cause, of prescription medication intended for another person.
- f) Leaving prescription medication unattended and a potential hazard to others
- g) Where a staff member reports for work after having consumed alcohol/drugs/illegal substances and is considered to be a threat to health, safety or professional standards.

### 16 Alcohol at Work

Alcohol should not be consumed during working hours, including lunch breaks and other rest periods. Anyone who attends a special function where alcohol may be available e.g. Christmas lunch should bear in mind drink driving legislation and use this as the maximum

limit when working in a professional capacity. Staff are still representatives of Suffolk Artlink at these events and must adhere to the charity’s policies and procedures and Code of Conduct for Staff.

Employees also need to be aware of the effects of drinking alcohol before they start or resume work.

Warning!

The legal drink drive limit cannot be safely converted into a certain number of units, as it depends on a number of factors to include gender, body mass and how quickly your body absorbs alcohol into the blood stream. The UK BAC limit is 80mg per 100ml blood, allowing you to drink a pint to a pint and a half of beer, or one glass of wine at 13% without exceeding the drink-drive limit. It is the responsibility of staff to know what this means for them as an individual given the warning above.

### Verification

Drug-related incidents or concerns (including the supply or suspected supply, use or suspected use, discovery of paraphernalia) will be monitored by the Programme Leads.

The Co-Directors will report to Board of Trustees any drug-related incidents or concerns and actions taken in response to these incidents under the standing agenda item ‘safeguarding’.

### Review

The Suffolk Artlink Board of Trustees will review this procedure triennially or when there is a significant change, whichever is sooner.

Date Approved	Date Revised
08/02/2021	

## Appendix 1: Useful Information and Organisations

ADFAM offers information to families of drug and alcohol users, and the website has a database of local family support services.

Tel: 020 3817 9410 Email: [admin@adfam.org.uk](mailto:admin@adfam.org.uk)

Website: [www.adfam.org.uk](http://www.adfam.org.uk)

Alcohol Change uk works to reduce the incidence and costs of alcohol-related harm and to increase the range and quality of services available to people with alcohol-related problems

Tel: 020 3907 8480 Email: [contact@alcoholchange.org.uk](mailto:contact@alcoholchange.org.uk)

Website: [www.alcoholconcern.org.uk](http://www.alcoholconcern.org.uk)

ASH (Action on Smoking and Health) A campaigning public health charity aiming to reduce the health problems caused by tobacco.

Tel: 020 7404 0242 Email: [enquiries@ash.org.uk](mailto:enquiries@ash.org.uk)

Website: <http://ash.org.uk>

Children's Legal Centre operates a free and confidential legal advice and information service covering all aspects of law and policy affecting children and young people.

Tel: 01206 714 650 (general queries only) Email: [info@coramclc.org.uk](mailto:info@coramclc.org.uk)

Website: [www.childrenslegalcentre.com](http://www.childrenslegalcentre.com)

Children's Rights Alliance for England - A charity working to improve the lives and status of all children in England through the fullest implementation of the UN Convention on the Rights of the Child.

Email: [info@crae.org.uk](mailto:info@crae.org.uk) Website: [www.crae.org.uk](http://www.crae.org.uk)

Drinkaware - An independent charity that promotes responsible drinking through innovative ways to challenge the national drinking culture, helping reduce alcohol misuse and minimise alcohol related harm.

Tel: 020 7766 9900 Website: [www.drinkaware.co.uk](http://www.drinkaware.co.uk)

Drinkline - A free and confidential helpline for anyone who is concerned about their own or someone else's drinking.

Tel: 0300 123 1110 (lines are open 24 hours a day)

Drugwise is a centre of expertise on illegal drugs, aiming to inform policy development and reduce drug-related risk. The website includes detailed drug information and access to the Information and Library Service. DrugScope also hosts the Drug Education Practitioners Forum. Tel: 020 7520 7550 Email: [info@drugscope.org.uk](mailto:info@drugscope.org.uk) Website: [www.drugwise.org.uk](http://www.drugwise.org.uk)

FRANK is the national drugs awareness campaign aiming to raise awareness amongst young people of the risks of illegal drugs, and to provide information and advice. It also provides support to parents/carers, helping to give them the skills and confidence to communicate with their children about drugs.

24 Hour Helpline: 0300 123 6600 Email: [frank@talktofrank.com](mailto:frank@talktofrank.com); Website: [www.talktofrank.com](http://www.talktofrank.com)

Mentor UK is a non-government organisation with a focus on protecting the health and wellbeing of children and young people to reduce the damage that drugs can do to their lives.

Tel: 020 963 2751. Email [admin@mentoruk.org](mailto:admin@mentoruk.org)

Website: <https://mentoruk.org.uk/>

National Children's Bureau promotes the interests and well-being of all children and young people across every aspect of their lives.

Tel: 020 7843 6000 Website: [www.ncb.org.uk](http://www.ncb.org.uk)

Family Lives - A charity offering support and information to anyone parenting a child or teenager. It runs a free-phone helpline and courses for parents, and develops innovative projects.

Tel: 0808 800 2222 Website: [www.familylives.org.uk](http://www.familylives.org.uk)

Re-Solv (Society for the Prevention of Solvent and Volatile Substance Abuse)

A national charity providing information for teachers, other professionals, parents and young people. Text: 07496 959930 Information line: 01785 810762. Email: [info@re-solv.org](mailto:info@re-solv.org)  
Website: [www.re-solv.org](http://www.re-solv.org)

Smokefree - NHS Smoking Helpline: 0300 123 1044;

Website: <https://www.nhs.uk/smokefree>

Stars National Initiative offers support for anyone working with children, young people and families affected by parental drug and alcohol misuse.

Website: [www.childrenssociety.org.uk](http://www.childrenssociety.org.uk)

Youth Offending Teams – Local Youth Offending Teams are multi-agency teams and are the responsibility of the local authority, who have a statutory duty to prevent offending by young people under the age of 18.

Website: <https://www.gov.uk/youth-offending-team>