
Policy: Substance Misuse - guidance for clients

This policy draws on the 'Sample drugs policy' developed by Kevin Flemen / KFx.
www.kfx.org.uk

Updated September 2016

The Substance Misuse policy aims to protect the rights and safety of all clients, staff, volunteers and the local community.

If you are not sure what the rules mean to you, please discuss them with a member of staff.

The substance misuse policy covers many drugs, including illegal and prescribed drugs and new psychoactive substances (often misleadingly called 'legal highs').

Transform staff will take action under the substance misuse policy when we have concerns about drug related activity, both on and near any of our premises. This includes the entire building and the area around it including the garden. Any drug related activity in the neighbourhood around any of our premises could result in complaints from our neighbours or police action and threaten the future of the project; therefore we will always take action when we become aware of such activity.

As a landlord and support provider, Transform neither condones nor approves of the possession, use or supply of illegal drugs or new psychoactive substances. This is because we are aware of the negative impact the use of illegal drugs or new psychoactive substances can have on people's lives. In addition under Section 8 of the Misuse of Drugs Act 1971 and the Antisocial Behaviour, Crime and Policing Act of 2014 and the Psychoactive Substances Act (2016), Transform have legal responsibilities to stop certain activities associated with illegal drug use on or near our premises. Therefore this policy takes into account that Transform has:

- An obligation to work within the law
- A duty to provide a safe environment for all workers
- A duty to provide a safe environment for all clients
- A duty to work with and be sensitive to the local community

However, Transform recognises that a proportion of people we house and/or support may use illegal drugs or psychoactive substances. Transform also acknowledges that some clients with a history of substance misuse or who are currently using illegal drugs or new psychoactive substances apply for housing and/or support with Transform because their substance use has caused them problems and they want help in resolving these issues. The use of illegal drugs or new psychoactive substances and the associated behaviour often has adverse consequences for example: criminal convictions; mental health problems; financial problems; medical problems; relationship breakdowns; emotional problems; homelessness due to being evicted as a result of anti-social or criminal behaviour or rent arrears. Transform is keen to support those who wish to make changes to their lives and resolve such problems.

Therefore, if you do use or have used illegal drugs, Transform is keen to try and support you to access appropriate support and maintain your housing. However, this will only be possible if you respect the rules of this substance misuse policy and you are willing to use the support of Transform and other relevant agencies. In addition you need to take responsibility for your

substance use and any associated behaviour and ensure it does not place you, other clients, staff or volunteers at risk of harm or prosecution, and it does not cause distress, disorder or a nuisance to the local community.

Rules

We do not condone (approve of) people bringing any illegal drugs, including cannabis, into any of our premises.

We do not condone (approve of) the use of any illegal drugs on or near any of our premises.

We do not tolerate (allow) the use of any drugs on or near our premises that puts staff, volunteers or clients at risk of harm or prosecution, or causes distress or causes a nuisance to the local community.

We do not tolerate (allow) the production or supply of controlled drugs on or near any of our premises. (You should bear in mind that giving someone else any of your prescribed medication or sharing a joint with them, is considered to be dealing.)

We do not tolerate (allow) the production, supply or importation of new psychoactive substances on or near any of our premises that puts staff, volunteers or clients at risk of harm or prosecution, or causes distress or causes a nuisance to the local community. (You should bear in mind that buying a new psychoactive substance from abroad over the internet is considered importing).

Where we know, or suspect that the possession or use of illegal drugs is taking place on or near our premises, we will always discuss the matter with you, and take further action. The action taken will vary depending on the circumstances and whether you are putting yourself, staff, volunteers, other clients or the local community at risk of harm or prosecution or causing them distress. In some cases you may be evicted and the police may be involved.

Where we know or suspect that you are involved in the production or supply of illegal or controlled drugs or psychoactive substances on or near our premises we are obliged to stop this from happening and we will always take action. This may include the Police being involved and you being evicted.

Cannabis

In January 2009, cannabis was reclassified back from a class C to a class B drug and it remains illegal to produce, possess or supply this drug. As a class B drug, the maximum sentence for the possession of cannabis is 5 years and the maximum sentence for the supply of cannabis remains 14 years. The possession of any amount of cannabis remains an arrestable offence. The reclassification indicated an intention to give more severe legal penalties for people caught in possession of cannabis or involved in the production or supply of cannabis. For people over 18 caught in the possession of cannabis, the police have the power to arrest for a first offence but can operate a 'three strikes' approach. This can involve a 'cannabis warning' for the first offence, a 'Penalty Notice for Disorder' for the second offence, and arrest and charge for the third offence. For anyone under 18 caught in the possession of cannabis, again the police have the power to arrest for the first offence or to issue a reprimand, a Final Warning or charge and prosecute.

There is research showing that the use of cannabis can trigger mental health problems for some people. The use of cannabis can lead to anxiety, paranoia or psychosis and can aggravate existing mental health problems, for example schizophrenia. Should someone with an existing mental health condition use cannabis, they greatly increase the risk of a mental health relapse.

Therefore, Transform has a legal responsibility and a duty of care to prevent the supply and use of cannabis in any of our properties. Where we know or suspect that cannabis is being

used in any of our premises we will always take action. The action taken will vary depending on the circumstances and whether you are putting yourself, staff, volunteers, other clients or the local community at risk of harm or prosecution or causing them distress. In some cases you may be evicted and the police may be involved.

Prescribed medication

If you are bringing prescribed controlled drugs, such as methadone, subutex, valium, benzodiazepines into any of our premises, please let staff know, for the safety of staff and other clients. Always keep prescribed drugs either on your person or stored securely (e.g. locked in your bedroom in shared accommodation.) Please keep them in their original packaging and with labels intact, so that we know they are yours. Do not give them to other people to take or look after. We cannot store any medication, whether prescribed or not, on your behalf. Do not leave prescribed medication in communal areas in shared houses.

If staff find any substances unattended in communal or shared areas, they will remove them.

- If the drug is an illegal drug (e.g. cannabis, crack) it will be destroyed or handed over to the Police.
- If it is a prescribed controlled drug, it will be handed in to a pharmacy; if we know you are the owner, we will discuss the matter with you.
- If it is prescribed medication in its original packaging with your name on it, we will try and return it to you; otherwise it is likely to be destroyed.

New psychoactive substances

In 2016 the Psychoactive Substances Act came in to force. The act makes the supply, production or importation of new psychoactive substances (often misleadingly called 'legal highs') illegal, with a maximum sentence of 7 years imprisonment. This act has been introduced following growing evidence of the risks associated with using new psychoactive substances. Some of the key risks are:

- New psychoactive substances are untested and their effects on humans are unknown – taking one is like taking an experimental drug.
- The strength of a psychoactive substance is often entirely unknown, meaning that the effect might be much stronger than you expected
- You can get addicted to some new psychoactive substances in exactly the same way you can get addicted to other drugs.
- Some new psychoactive substances have been linked to poisoning, emergency hospital admissions and, in some cases, deaths.

Police have the power to stop and search people if they think they are supplying new psychoactive substances and can seize and destroy them. With the introduction of this new law, Transform has a responsibility to take action if the supply, production or importation of new psychoactive substances takes place in or near our premises. The action we take will vary depending on the circumstances and whether you are putting yourself, staff, volunteers, other clients or the local community at risk of harm or prosecution or causing them distress. In some cases you may be evicted and the police may be involved. Although the possession and use of new psychoactive substances is not illegal, owing to the risks associated with their use if we have reason to believe you may be using them we will always discuss this with you.

Anti-social behaviour

You have a responsibility for your behaviour and that of your guests both in and near any of our premises. Anti-social behaviour is not acceptable and anyone whose behaviour is disruptive, whether due to illegal drugs or otherwise, will be challenged and warned about their behaviour. If they do not change their behaviour they may be issued with a warning letter, or a notice to terminate/notice of seeking possession of their property. If it is your visitor who is responsible for the anti-social behaviour and you are unable or unwilling to prevent it, you will be held responsible and action will be taken against you as well as them.

This may result in you being evicted, the police being involved, your visitor being banned from Transform property or an injunction taken out against your visitor. Therefore if you have a visitor who is causing you problems, please inform a member of staff.

Anti-social behaviour includes causing a disturbance or nuisance to neighbours, noisy threatening or abusive behaviour, lots of late night visitors or noise, leaving drug paraphernalia in public places etc. Under recent laws (the Anti-Social Behaviour, Crime and Policing Act of 2014) the police have the power to remove anyone from any property and seal the property if they and the court think that the use of the property has resulted in disorder, offensive or criminal behaviour or has otherwise caused a serious nuisance to members of the public. Therefore Transform must take action to prevent anti-social behaviour, especially if it is linked to criminal behaviour such as illegal drug use.

Confidentiality

We offer a service that aims to protect your privacy. In most circumstances, we will not discuss anything about you outside the organisation without your consent. However, where your actions or behaviour represent a serious risk to the safety or wellbeing of Transform staff, volunteers, other clients, the community, the organisation, or you, we may disclose information without seeking your consent.

Anti-discriminatory practice

All clients have a right to be treated with respect, fairness and dignity by both workers and other clients. Transform will treat any abusive, threatening or offensive language or behaviour which discriminates against people who use drugs, including alcohol, as a breach of our Equality and Diversity policy.

Support meetings / keywork

In order for Transform staff to offer you effective support it is important that you are able to fully participate in the support meetings (also known as keywork meetings). Therefore we ask that you do not attend support meetings under the influence of any non-prescribed substances, including alcohol and new psychoactive substances. We also ask that you behave appropriately during any support meetings and treat Transform staff with respect at all times. If you are unable or unwilling to work within these terms we will not be able to continue to offer you support. As Transform only provide accommodation in order to offer support this will be a breach of your licence or tenancy agreement and this will result in you being asked to leave your accommodation. Where Transform only provides support this could still place your accommodation in jeopardy where our support visits are a condition of your tenancy.

Licence and tenancy agreement

It is a breach of your licence or tenancy agreement to have, use or supply, or allow visitors to have, use or supply illegal drugs or to misuse, or allow to be misused, solvents or prescribed drugs in any Transform premises.

In addition you are responsible for the behaviour of your visitors. If they break Transform rules, action may be taken against you as well as them. If you have a visitor who is causing you problems, please inform a member of staff.

If you have any queries about this substance misuse policy or need any help regarding any problems associated with any drug use issues, please discuss them with a member of staff.