

DUNDEE CITY COUNCIL

REPORT TO: Leisure, Arts and Communities Committee - 25 October 2010

REPORT ON: Guidance for Staff - Responding to Drugs and Alcohol Related Incidents

REPORT BY: Director of Leisure and Communities

REPORT NO: 612-2010

1.0 PURPOSE OF REPORT

- 1.1 To approve Guidance for Leisure and Communities staff in relation to responding to Drugs and Alcohol related incidents.

2.0 RECOMMENDATIONS

- 2.1 Agree to the Guidance being implemented to assist Leisure and Communities staff to respond to Drugs and Alcohol related incidents. (See Appendix 1)

3.0 FINANCIAL IMPLICATIONS

- 3.1 The report itself has no direct financial implications for the Council.
- 3.2 Any additional costs created would be contained within existing revenue budgets.

4.0 MAIN TEXT

- 4.1 The Leisure and Communities Department has a diverse and wide-ranging remit to provide services aimed at citizens of all ages in Dundee. The Department supports Parks and Cemeteries, Libraries and Learning Centres, Sports and Leisure, Arts and Heritage and a wide range of facilities and venues across the city.
- 4.2 As well as providing and maintaining these services the Department is also responsible for ensuring that local communities are safe and sustainable. The creation of guidance to assist staff and responding to drugs and alcohol related incidents is seen to be important as well as necessary, given both the local and national context which continues to see a significant upward trend in relation to drugs and alcohol misuse.
- 4.3 The context within which Leisure and Communities staff work, can at times be very challenging in terms of the commitment to reach and involve some of the most excluded members of the public. To ensure that social inclusion is maximised, it is vital that a response is developed which is based on risk assessment and enables staff to make clear and informed decisions regarding whether it is safe for a member of the public to participate in activities or be present in one of the supported facilities or venues.

5.0 POLICY IMPLICATIONS

5.1 This report has been screened for any policy implications in respect of Sustainability, Strategic Environmental Assessment, Anti-Poverty, Equality Impact Assessment and Risk Management.

There are no major issues.

5.2 An Equality Impact Assessment has been carried out and will be made available on the Council website <http://www.dundee.gov.uk/equanddiv/equimpact/>.

6.0 CONSULTATION

6.1 Staff within Leisure and Communities Department including the Extended Management Team, Tayside Police, Support Services (Legal) Department and the Alcohol and Drugs Partnership have been consulted in the process of creating the Guidance.

6.2 The Chief Executive, Depute Chief Executive (Support Services), Assistant Chief Executive and Director of Finance have been consulted on this report and in agreement with its contents.

7.0 BACKGROUND PAPERS

The following background paper was referred to in creating this guidance:

- The Misuse of Drugs Act 1971 which places obligations on Owners, Managers and staff of premises in relation to the use of illegal drugs.
- Equality Impact Assessment

**STEWART MURDOCH
DIRECTOR OF LEISURE AND COMMUNITIES
12 OCTOBER 2010**

LEISURE & COMMUNITIES DEPARTMENT

Guidance for Staff

Responding to Drugs & Alcohol Related Incidents

SEPTEMBER 2010

If you have difficulty understanding English, please contact the address below:

اگر آپ کو انگریزی سمجھنے میں مشکل پیش آتا ہے تو براہ کرم نیچے دیئے گئے پتے پر رابطہ کریں۔
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INTRODUCTION

These guidelines are intended to give clarity to staff when responding to drugs and alcohol related incidents involving members of the public. They include all premises and facilities directly managed by Leisure and Communities Department as well as Dundee Leisure Trust.

They aim to assist in promoting safe and legal environments within which to deliver services, support use of facilities and create accessible learning opportunities for people of all ages.

Policy Statement

The Department neither condones nor approves of the possession, use or supply of illegal drugs in its premises and seeks to work with members of the public to reduce harm and promote community wellbeing. It does however acknowledge that there may be times when a person(s) can access services, facilities and learning opportunities whilst under the influence of drugs and/or alcohol. This is based on assessment of risk and reflects the Department's strong commitment to Social Inclusion which supports a policy of inclusiveness towards people who have drug and alcohol issues or dependencies.

Whilst striving to provide an accessible and inclusive service, the Department recognises that it is obliged to:

- Work within the law
- Provide a safe arena for all paid and volunteer staff
- Provide a safe environment for all members of the public
- Work with and be sensitive to the needs of local communities
- Ensure that the guidelines are clearly distributed to all staff

Legislation

The Misuse of Drugs Act 1971 places obligations on owners, managers and staff of premises in relation to the use of illegal drugs.

The law states that it is an offence for the occupier or any person concerned in the management of premises to knowingly permit or allow any of the following activities:

- Producing or attempting to produce a controlled drug
- Supplying, attempting to supply, or offering to supply a controlled drug
- Consumption of controlled Drugs

A controlled drug is any drug included under Misuse of Drugs legislation. This includes heroin, amphetamine, cocaine, cannabis and mephedrone (known as 'Bubbles'). **A helpful A-Z of legal and illegal drugs can be accessed at www.talktofrank.co.uk.**

'Occupier or any person concerned in the management' includes any worker who has the authority to admit or exclude someone from the premises or who has responsibility for enforcing rules in the premises.

'Knowingly' means that you have actual knowledge that a prohibited activity is taking place – you have seen it yourself or have been reliably informed.

A member of staff from Leisure and Communities who works in a City Council building is considered to have responsibilities for a building whether or not their job title is Building Manager.

SUPPLY OF DRUGS

Leisure and Communities Department will not tolerate the supply of drugs on its premises. We will always act where we know or suspect that members of the public are in possession and/or that supply is taking place.

Guidelines

- While staff are on the premises they should ensure that the building and surrounding area are supervised effectively.
- If there are insufficient staff to monitor the whole building, public access to areas should be restricted.
- "Hot spots", where supply or other activities could take place easily, should be checked regularly.
- All complaints from the members of the public regarding drug-related activity (possession, use, supply) in the building or in the vicinity of the building should be treated seriously. With regard to possession and/or supply of illegal drugs, as well as someone supplying their prescribed medication to others., staff are instructed to contact the Police and have no obligation to advise those suspected of this course of action. Supplying another person(s) with prescribed medicines can be an offence under the Misuse of Drugs Act (1971) and the Medicines Act (1968) depending upon the circumstances.

Use of Illegally Held Controlled Drugs

The following steps should be initiated on discovering someone in possession/using drugs or alcohol in the building:

- Members of the public should be spoken to immediately, unless there are concerns about personal safety of staff and members of the public. In this situation, staff should contact the Police.
- The individual/group should be instructed to cease the activity immediately and leave the building. If they do so then **The Department's** obligations under Section 8 (1971 Act) have been discharged. Failure to cease the activity and to leave the building will necessitate staff contacting the Police.

Staff should then:

- Record the details and action taken on the Department's Incident Report Form.
- Make other members of staff aware of the incident so they can be on the look out for any reoccurrence.
- If the drugs are passed to a member of staff from a member of the public, staff should hand the drug(s) into the nearest Police Station at the earliest opportunity. In the interim period, the drug(s) should be stored in a secure cabinet and details Recorded on the Incident Report Form. Ideally, this should be witnessed by another member of staff.
- Staff involved in the delivery of controlled drugs to the Police should not be fearful that it could seem that they are in possession of illegal drugs whilst in transit. Advice from the Police confirms that, as long as the time of leaving the premises ie the departure time has been recorded it will be viewed as a lawful act to assist the Police.
- When members of the public are found to have illegal drugs on their person they commit the offence of possession. If staff find drugs, they are legally obliged to deliver them to someone authorised to possess them e.g. the Police or a Pharmacist. The procedures for destruction and disposal of drugs need to be made clear to all members of staff.
- Only the police have powers to search with or without consent.

- Based on the assessment of risk, staff can decide whether or not it is appropriate to involve the Police in any particular incident. Having made the decision to involve the Police, they should co-operate fully with enquiries including giving the Police names where these are known.
- Staff should ensure that information about drugs and alcohol as well as relevant support agencies is displayed for the member(s) of the public, in order that they have the opportunity to seek, support and reduce the risk of drug-related harm.

Consumption of Alcohol

Most premises in Leisure and Communities Department are alcohol free in line with Dundee City Council Policy. There are some exceptions:

Community Centres can approve alcohol consumption as part of 'Lets' for private functions. Museums and Galleries can apply for licences to make alcohol available at the official openings of exhibitions.

The Caird Hall also has a bar facility which has a license to sell alcohol at some events and performances.

In other than the above mentioned exceptions:

- Members of the public who consume or attempt to consume alcohol will be asked to leave the building. If it is passed to a member of staff, Police advise that the alcohol should be poured into a sink or toilet.
- The nature of incident and the action taken should be recorded using the Incident Report Form.
- Risk Assessments should be undertaken to respond to situations where a member(s) of the public enters the building or facility while already intoxicated with alcohol. It is recognised that there will be different levels of response in different buildings and facilities depending on the level of intoxication as well as impact and safety of other persons present.

Use of Legally Prescribed and Over the Counter Drugs

No offences are being committed if a service user is using legally prescribed drugs while on Department premises.

The use of prescribed medicines, when taken as per the prescriber's instructions, is supported, as is the personal use of drugs that are sold over the counter, eg cough or cold medicines. Members of the public should always keep personal prescribed or over the counter drugs safely in their own possession.

Unattended prescribed or over the counter drugs can be a risk to others. Where details such as name and address are clearly marked, staff will try to return them. Otherwise they should be taken to the most accessible Pharmacist for safe disposal.

Suspected Overdose

In all incidents where it is suspected or known that a member of the public has taken a drugs overdose, Emergency Services (Ambulance) should be called (9)999.

- Care should be taken by staff in case syringes/needles have been discarded or there are body fluid spills, eg vomit
- Where possible the individual should be placed in the recovery position and monitored until Paramedic staff arrive.
- Any knowledge of next of kin contacts should be given to Emergency Services.
- The incident should be recorded using the Department's Incident Report Form.

INTOXIFICATION

Where a member of the public is intoxicated to the extent that they are slipping in and out of consciousness or are unconscious, the same steps should be followed as for dealing with a suspected or known drugs overdose.

Leisure and Communities Department Policy and Guidance for the Care and Protection of Children, Young People and Adults at Risk should be observed when dealing with anyone under the age of 16 or adults at risk.

WORKING OUTWITH THE DEPARTMENT'S PREMISES

- Youth Work staff follow the Department's Streetwork Guidelines.
- If a Detached Youth Worker is aware that a group of young people/adults he or she are in contact with are smoking cannabis or using another illegal drug, the worker should remove him or herself from the situation. This should be accompanied by an explanation which conveys to the young people/adults that staff do not condone drug use.
- Community Safety Wardens have a responsibility to report drugs related incidents to the Police as part of their broader Community Safety remit. They are not obliged to inform individual(s) that they will report illegal activities or suspicions to the Police.
- If the worker is at all concerned about the condition of the individual, medical or specialist help should be sought. In the situation of someone being adversely affected by drug use, a worker should enlist specialist help. This could mean contacting Emergency Services such as Ambulance.
- Where staff are at a risk of needle/syringe contact, the Council's Health and Safety Policy and Toolkit should be followed or contact made to the Council's single contact number 01382 433063 to arrange uplift. Between the hours of 23:30 and 08:30, Tayside Police should be contacted on 0300 111 2222.
- Senior Community Safety Wardens can also dispose of disused needles/syringes using 'sharps containers.'
- Staff employed to work within the Parks and Leisure Section are required to support implementation of the Local Bye-Law which prohibits the consumption of alcohol in open public spaces such as parks, playing fields and cemeteries. Illegal substances are not covered by the Bye-Law, however, staff should contact the Police if they witness misuse or find illegal drugs that have been disposed of.

STORAGE OF DRUGS

Policy Statement

Leisure and Communities staff cannot store prescribed or otherwise controlled drugs on behalf of members of the public.

Storage of Other Controlled Drugs

There should be no reason for any members of staff to take possession of a controlled drug unless it is to hand it to Police for safe disposal. If staff are not sure what a substance is, they should treat it as a controlled drug.

- All details and the action taken should be recorded on the Drugs Incident Report.

Police Involvement

Policy Statement

Leisure and Communities Department has developed a history of positive, effective relationships with the Police. In addition, staff will involve the police in any incidents where their assistance is required. Duty Police Officers will assess such incidents as to whether they require an immediate response or not.

In many areas Departmental staff have a distinctive and complementary role to that of the Police. These distinctions need to be understood and respected.

Priority response situations (eg serious violence) will mean dialling 999.

Lesser priority response situations (eg seeking assistance in disposing of drugs) can involve phoning the local station and speaking to local officers who are familiar with the Department.

Concerns about police requests for information or other issues should be referred to the Line Manager, who will assess matters and advise as appropriate.

Applying Section 8

Staff should seek to maintain open and effective working relationships with the Police.

While there is normally no legal obligation to disclose drugs related information to the Police, there is an obligation to prevent the supply of drugs taking place under Section 8 of the Misuse of Drugs Act 1971. This latter obligation may require organisations to disclose information to the Police about the supply of drugs, if other measures adopted have not prevented the supply of drugs taking place on premises.

INFORMATION MANAGEMENT

Record Keeping

Policy Statement

Leisure and Communities Department policy is to record only what is necessary and to do so in a way which protects the rights of the individuals concerned. Where required the Department will keep accurate records of its work where necessary for the security of staff and service users. This includes the recording of drug related incidents.

Guidelines

- Record keeping must be manageable. There is no need to keep unnecessary information.
- Staff should endeavour to record information as soon as possible after the incident.

Information written on the Incident Report Form should be limited to the following:

- The date and time of the incident
- The name and/or membership number of the individual(s) involved
- Name and position of the worker dealing with the incident
- Concise details of the incident and action taken

Records relating to members of the public who are excluded from the building should similarly only record the identity of the person, reason for and the duration of their exclusion and an opportunity to discuss a date of re-admittance.

MONITORING AND EVALUATION

- The recording of alcohol and drugs issues should be recorded to detail the type, quantity and action taken with regard to alcohol and drugs found in Leisure & Communities facilities.
- Given the diverse nature of the Department's work, Managers in each Service Team will decide which staff are best placed to record the type and quantity of drugs found in their facilities.
- The Community Regeneration & Health Manager will be responsible for monitoring Drugs and Alcohol related incidents on an annual basis to identify trends and feed information into Dundee Alcohol & Drugs Partnership (ADP) and other networks as appropriate.
- Cross referencing will be made to Violence at Work Reports, which include the following:
 - consumption of alcohol, being under the influence of illegal drugs, or being 'moved on' or arrested by the Police.
- All staff will be briefed on the Alcohol & Drugs Related Incidents Policy and training will be prioritised and offered to specific staff groups (eg front line staff)

September 2010

Equality Impact Assessment (EQIA) and the Rapid Impact Assessment Tool (RIAT)

1. Legal background

Equalities legislation and regulation recognises and protects individuals and groups who face prejudice and discrimination because of their race or ethnic background (including gypsy travellers), disability, sexual orientation, gender, religion or belief, and age, collectively known as the 6 equality strands. Those protected include employees, applicants for posts, existing and potential service users, the wider community, and staff employed in contracted-out services.

To ensure that people are not discriminated against, public authorities must include within their race, disability and gender equality schemes, or single equality schemes, a statement of the authority's methods for assessing the impact of its policies and practices, or the likely impact of proposed policies and practices, on any or all of the 6 equality strands.

2. Discrimination is defined as:

- Direct discrimination - treating people less favourably than others on grounds of race or ethnic origin, age, disability, gender, sexual orientation,, or religion or belief.
- Indirect discrimination - applying a provision, criterion or practice which disadvantages people of race or ethnic origin, age, disability, gender, sexual orientation, or religion or belief, and which is not justified.
- Victimisation - treating people less favourably because they have used the law to complain of discrimination, given evidence, or made allegations.
- Harassment - unwanted conduct that violates people's dignity or creates an intimidating, hostile, degrading, humiliating, or offensive environment on grounds of race or ethnic origin, age, disability, gender, sexual orientation, religion or belief.

3. What is an equality impact assessment (EQIA)?

An EQIA is a tool that helps public authorities make sure their policies, and the ways they carry out their functions, do what they are intended to do - and for everybody.

EQIAs help public authorities meet the requirements of the equality duties and identify active steps they can take to promote equality.

An EQIA is a systematic approach to assessing the likely (or actual) effects of policies on people in respect of Ethnic Minority Communities (including Gypsy Travellers), Gender including transgender, those with or without a Religion or Belief, Disability and Carers, Age, and LGBT (lesbian, gay, bisexual or transgender).

(In 2011 a new Equality Act will refer to '8 protected characteristics' adding pregnancy and maternity, and gender reassignment to those protected under equality legislation, and a duty to address inequality that arises from socio-economic disadvantage)

EQIA means looking for **opportunities to promote equality** that have previously been missed or could be better used, as well as **negative or adverse impacts** that can be **removed or mitigated**, where possible.

If any negative or adverse impacts amount to unlawful discrimination, **they must be removed**.

4. Outcomes

An EQIA has four possible outcomes. More than one outcome may apply to a single policy:

Outcome 1: **No major change**: the EQIA demonstrates the policy is robust and there is no potential for discrimination or adverse impact. All opportunities to promote equality have been taken.

Outcome 2: **Adjust the policy**: the EQIA identifies potential problems or missed opportunities. Adjust the policy to remove barriers or better promote equality.

Outcome 3: **Continue the policy**: the EQIA identifies the potential for adverse impact or missed opportunities to promote equality. Clearly set out the **justifications for continuing** with it. The justification should be included in the EQIA and must be in line with the duty to have due regard. For the most important relevant policies, **compelling reasons** will be needed.

Outcome 4: **Stop and remove the policy**: the policy shows actual or potential unlawful discrimination. It must be stopped and removed or changed

5. Equality and Diversity Rapid Impact Assessment Tool (RIAT)

The RIAT aims to provide those responsible for drafting new or reviewing existing policies, procedures, strategies or practices (policies) with a simple tool that can aid in undertaking most equality impact assessments. The RIAT...

- Sets out the aims of the policy
- Identifies the relevance of the policy to groups protected by equality legislation
- Provides evidence that 'due regard' has been given to modify policies and practices to eliminate any negative impacts, and if appropriate enhance equality of opportunity
- Identifies where policies might be amended to better promote equality of opportunity

'Equality impact assessments are not an end in themselves, but a process which an authority will go through in order to identify and act on the need to modify policies and practices to promote equality' (DRC 2005).

6. Who should undertake a Rapid Impact Assessment?

The person who drafts or reviews a policy or practice is responsible for conducting a RIAT. It is essential that the author or the reviewer of a policy has undertaken Equality and Diversity training, and Equality and Diversity Impact Assessment training.

7. When should you undertake an RIAT?

Allow time to undertake a RIAT in the **early stages** of the planning of policies. It's not an-add on but an integral part of the policy drafting process.

8. We don't have to assess everything.

Not all policies impact on equality groups e.g. a policy on recycling paper will probably not have any impact, but a policy for stocking coloured paper may impact on our ability to provide written information for people who are visually impaired. It is often advisable to seek the views of departmental **Equality Champions** or other colleagues who may have relevant experience or knowledge. Other departments may have faced similar issues or are engaged with **relevant communities** who can advise.

9. Assessing the impact and analysing the data

Assessing and analysing data involves gathering relevant data and information to identify any potential negative impacts in relation to protected communities. This can be informed through published reports, guidance from the Equality and Human Rights Commission etc.

There may also be examples of **completed Impact Assessments** on the DCC web site or from other sources that can be used to inform a policy. If we lack relevant information or are unsure of the potential impact on communities we **MUST allow time to consult** and involve individuals and the communities affected before going ahead with the policy.

Community feedback will help us identify any strengths or negative impacts, and - as importantly - potential solutions, before a policy is finalised. This approach will help ensure that our policy will not discriminate and will enhance equality in practice. **DCC Equality Action Groups** can be a useful source of advice and guidance, and provide you with direct links to the communities you may need to consult with.

If a **negative or adverse** impact is found we must eliminate it by **amending or replacing** the policy. It may be necessary to consider if additional measures to reduce or remove a negative impact can be carried out without changing the overall aim of the policy, and we can take this opportunity to **explore possible alternatives** to achieving the same aims.

'We must ensure at this stage that we are not achieving equality for one strand of equality at the expense of another'. (DRC 2006)

10. Full Equality Impact Assessment

If a policy is a major one in terms of scale or significance for the authority's activities or is a minor one which is likely to have a major impact on protected communities, it may be necessary to carry out a full Equality and Diversity impact assessment.

If after undergoing a rapid impact assessment a policy, procedure or strategy identifies a negative impact that cannot be eliminated by amending or replacing the policy then it would then be necessary to seek legal advice and/or carry out a full Equality and Diversity impact assessment.

'The involvement of disabled (sic) communities can be of great assistance in drawing up the criteria for deciding whether or not to conduct a full impact assessment and in actually conducting a full assessment.' (DRC 2006)

Copies of Full Impact Assessment are available on the DCC Intranet Web Site
http://www.dundee.gov.uk/dundee/uploaded_publications/publication_517.doc

11. Publication

Each department has its own Equality Impact Assessment Web Page. All relevant corporate and departmental policies and practices that are routinely published on the DCC Web site must be accompanied by a completed equality impact assessments (full or rapid).

DCC Departmental Information Champions must ensure that completed equality impact assessments are posted on their department's Equality Impact Assessment Web Page with a link to the relevant policy.