



**St Vincent de Paul Society**  
NSW  
*good works*

## **Possession of Substances on Premises Policy**

**Approved by the St Vincent de Paul Society NSW on 26 August 2015**

### **Version Control**

Contact names	Role / position	Version number	Date	Review date
Joanna Fanos	Policy Coordinator	1	26/08/2015	26/08/2016
Lisa Oh	Policy Officer	2	08/03/2018	08/03/2020

## CONTENTS

1. Policy Statement.....	3
2. Scope .....	3
3. Purpose .....	3
4. Definitions .....	3
5. Policy Framework .....	3
5.1 <i>Suspicion of possession of a substance</i> .....	4
5.2 <i>Knowledge of possession of alcohol or non-prescribed prescription medication</i> .....	5
5.3 <i>Knowledge of possession of suspected illicit substance</i> .....	5
5.4 <i>Visitors</i> .....	6
5.5 <i>Process for the disposal of substances</i> .....	6
5.5.1 Disposal of alcohol .....	6
5.5.2 Disposal of non-prescribed medication .....	6
5.5.3 Disposal of a suspected illicit substance .....	7
5.5.4 Disposal of equipment used for the administration of substances	7
5.6 <i>Disclosure of information to police</i> .....	7
5.7 <i>Service and program responses to possession of substances</i> .....	8
6. <i>Monitoring and review</i> .....	8
7. Related Policies, Procedures and Legislation.....	8
8. Roles and Responsibilities.....	9
9. Effectiveness and Review.....	9
10. Further Advice or Assistance .....	10

## 1. Policy Statement

St Vincent de Paul Society NSW (the Society) is committed to providing a safe environment for the people we assist. The Society recognises that the presence of substances on our premises may place some people at risk of relapse, overdose or injury. Restrictions on the possession of substances at Society premises are therefore in place.

This policy provides guidance to staff who may be required to respond to the possession of substances by the people we assist and visitors to or on Society premises.

## 2. Scope

This Possession of Substances Policy applies to staff, volunteers and members at the Society's Good Works and related Services and Programs.

## 3. Purpose

The purpose of this policy is to set out the appropriate way of responding to individuals who are suspected to be in possession of substances, and to provide guidance about a lawful and safe way to dispose of such substances.

## 4. Definitions

Concept	Meaning
<b>Substance</b>	For the purpose of this policy, the term substance refers to alcohol, non-prescribed prescription medication and suspected illicit substances. (Note: If a person we assist has a prescription for Schedule 8 medication it must not be kept in their personal possession but stored in a locked cupboard, supervised by a health professional. See the Medication Policy).

## 5. Policy Framework

This policy for responding to the possession of substances on premises:

- is informed by legislation and best practice;
- provides staff with guidance about how to respond safely and legally to the discovery of substances in their work setting;
- reinforces the duty of care to all people we assist, where the presence of substances may place others at risk of relapse, overdose or injury;
- attempts to balance the therapeutic role of staff with the impact of removing, or requesting removal, of substances from a person we assist; and
- will help to ensure that actions taken by staff are appropriate and clearly documented.

The Society is not legally required to report the use or possession of illicit substances to the police. However, the organisation does have a duty of care to staff, the people we assist, visitors and others on our premises to ensure their safety, so far as is reasonably practicable.

In line with the principles of person-centred, trauma informed and inclusive service delivery, the focus of care is directed towards providing a therapeutic

environment with a harm minimisation focus, rather than a punitive one. The police should only be called when necessary to protect the health and safety of staff, volunteers, members, the people we assist or visitors.

On initial arrival to the service or program, information is to be given about restrictions on bringing alcohol and/or illicit substances and illicit drug taking equipment onto Society premises. The consequences of bringing a substance onto the premises (such as limitations to access services) should also be explained, as appropriate to the service or program.

Before executing prescribed actions in situations listed below staff should always assess the level of risk and situation to ensure the safety of staff, volunteers, members, the people we assist and visitors. Please refer to the [Risk Management Procedure](#).

### **5.1 Suspicion of possession of a substance**

Any suspicion that a person we assist is in possession of a substance, or associated equipment, should be reported to the senior staff member on duty. The course of action taken by staff should be determined with the best interests of the person in mind, including the maintenance of confidentiality whenever possible.

If, after discussion, it is decided that action should be taken on the suspicion of staff, then the senior member of staff in the service should convey the concern to the person. They should be advised of the potential impact of their use and/or possession of substances on Society premises on their access to services.

The reasons for suspicion and advice given to the person we assist should be recorded in their case file. A People We Assist Incident Form may be required in accordance with the service or program's procedures.

In the first instance, the person we assist should be asked to surrender any substance or associated equipment by the senior member of staff on duty in the presence of at least one other member of staff. If only one staff member is on duty, the on-call worker should be called for further support.

Searches of the property of the people we assist must only be undertaken in the following circumstances:

- explicit consent has been given to the search; and
- there are two staff members present to conduct the search.

Staff must not undertake a search of belongings when the person we assist has not given their explicit consent. A search conducted without permission could potentially lead to criminal charges against the staff member.

If staff have strong suspicions regarding possession of illicit substances, consideration may be given to contacting police to conduct a search if they deem it necessary.

## **5.2 Knowledge of possession of alcohol or non-prescribed prescription medication**

If a staff member becomes aware that a person we assist is in possession of non-prescribed prescription medication or alcohol, where prohibited, the senior member of staff on duty should be notified immediately. The senior member of staff must notify the person that possession of alcohol or medication that has not been prescribed is not accepted, and request that the substance be surrendered voluntarily. The surrendering of substances should be undertaken in the presence of another staff member where this is possible. The process for disposal is outlined later in this policy.

Should the person refuse to voluntarily surrender the substance, they should be informed of the process to be followed, such as being asked to leave the premises, as appropriate to the service or program. A People We Assist Incident Form may be required in accordance with the service or program's procedures and actions documented in their file.

## **5.3 Knowledge of possession of suspected illicit substance**

If a staff member becomes aware that a person we assist is in possession of a suspected illicit substance, the senior member of staff on duty or on call should be notified immediately and the process as above for alcohol or prescribed medication followed. Staff should never, under any circumstances, attempt to forcibly obtain the substance from the person. The assistance of other staff members should be sought or duress alarms used if staff are concerned about the safety of any person.

Should the person refuse to voluntarily surrender the substance, they should be informed of the process to be followed, which may include exit from the service or program.

Actions to ensure the removal of a suspected illicit substance from a person should not delay any essential treatment for that individual. In the case of a confused or unconscious person, staff should proceed with a harm minimisation focus. Appropriate medical treatment should be sought as a matter of urgency. If a substance is located without staff conducting a search (e.g. it is located near the person), it should be collected and may be provided to any treating medical professionals (e.g. ambulance officers) to assist with treatment. Otherwise it should be disposed of in accordance with this policy.

When the person has recovered sufficiently, they should be informed that a suspected illicit substance was located and removed (if this occurred). A risk assessment should be undertaken at this time and appropriate follow-up action taken.

All actions must be fully recorded in their case file and a People We Assist Incident Form completed.

## **5.4 Visitors**

The service or program's policy on the possession of substances on its premises should be explained to all visitors, noting that the interests and safety of all people we assist and workers are paramount.

If it is suspected that a visitor is under the influence of a substance they must be refused entry or asked to leave if already on the premises. A senior staff member should be involved in this process, whenever possible.

If a visitor is suspected of supplying any substance, they should be asked to leave and then reported to the senior staff member on duty. Should the visitor(s) refuse to leave, they must be advised that the police will be called. The assistance of other staff members should be sought if there are safety concerns.

If a visitor surrenders a substance, the process for disposal should be followed. However, visitors should never be asked to surrender a suspected illicit substance.

## **5.5 Process for the disposal of substances**

A People We Assist Incident Form is completed in conjunction with the [Record of Confiscated Substance Form](#) for the disposal of all substances and equipment. Throughout the process, two staff members should always be involved.

### **5.5.1 Disposal of alcohol**

In services where alcohol is a prohibited substance, staff should dispose of alcohol found on premises down a sink in a staff area, in the presence of another staff member. Staff should record when and where the alcohol was found in the Record of Confiscated Substance form, and if it was associated with a person we assist, recorded in their file.

For some services and programs, an appropriate response may be a request for the person to remove the alcohol from the premises. Guidance should be sought from your line manager.

### **5.5.2 Disposal of non-prescribed medication**

The substance should be stored in a sealable freezer bag or similar package, with a description of the medication recorded on the Record of Confiscated Substance Form. If the medication is not identifiable, the description should specify 'x tablets/capsules of an unknown medication'.

Staff should take the medication to a local pharmacist for disposal and the Record of Confiscated Substance form should be signed by the receiving person. A copy of the form may be provided to the pharmacist upon request.

### **5.5.3 Disposal of a suspected illicit substance**

If any suspected illicit substance is discovered or received by a staff member, the following steps must be followed:

- Staff members should wear gloves at all times when handling any suspected illicit substance.
- With two staff members present, the substance should be stored in a sealable freezer bag or similar package. A description of the substance is recorded in the Record of Confiscated Substance form. It may not be possible to conclusively identify the substance so a general description, along with an approximate amount is sufficient.
- The Record of Confiscated Substance form should be signed by a senior member of staff, and the staff member(s) who witnessed the incident, and attached to the sealed package.
- If the suspected illicit substance is associated with a particular person, then a description of the substance and the circumstances of its collection should be recorded in their case file.
- In the interim period between confiscation and disposal, the suspected illicit substance should be placed in a locked cupboard or room. It should be in the possession of individual staff members for as short a time as possible. This storage area should ideally have restricted staff access.
- The police should be called as soon as possible in order to surrender the suspected illicit substance for disposal and the Record of Confiscated Substance form signed by the receiving person. A copy of the form may be provided to the receiving officer upon request.

Staff should not give an illicit substance back to the person; this could be interpreted as supply of an illegal drug and could lead to criminal charges being brought against the staff member.

### **5.5.4 Disposal of equipment used for the administration of substances**

In the event that equipment used for the administration of substances is discovered or received by a staff member, it should be wrapped in plastic or paper and placed in the general waste, Sharps disposal bin or disposed in a biohazard waste bin as appropriate. Universal precautions such as wearing gloves is compulsory while disposing of equipment.

## **5.6 *Disclosure of information to police***

Personal information about the people we assist concerning the possession of substances on Society premises may be disclosed where there is an overriding legal duty to do so, for example:

- to comply with a court order;
- in relation to a serious crime, or
- to prevent serious harm to others, including children.

Decisions to disclose personal information should be made with reference to the [Privacy Policy](#) in consultation with senior members of staff.



Possession of a small amount of illicit substances for personal use does not represent a serious crime. Staff are under no legal obligation to report a person we assist suspected of taking illicit substances.

In situations where there is clear evidence a person we assist is supplying illicit substances to others, this represents a serious crime and, from a service point of view, the supply of illicit substances poses a potential threat of serious harm to others, and places the service and staff at considerable risk.

All decisions about whether or not to disclose information to the police should be made by the service or program Manager in consultation with senior management.

### **5.7 Service and program responses to possession of substances**

Services and programs should determine the appropriate response to possession for the people they assist. Depending on the nature of the service or program this may include measures such as a reminder of the policy, warnings or exit from the service or program. All responses should be informed by the principles of trauma informed care. Please see the [Trauma Informed Care Policy](#). Where appropriate, information or assistance with referrals to specialist drug and alcohol or other health services may be offered.

Where exit from the service or program is appropriate, it should be done in accordance with the discharge plan completed during the period of support. Please see the [Client Transition and Exit Policy](#)

Breach of this policy by visitors may result in a request to immediately exit the service and a ban on future visitation.

## **6. Monitoring and review**

A People We Assist Incident Form and accompanying Record of Confiscated Substance form will be completed in all situations where possession of a prohibited substance, or equipment, has occurred.

All incidents will be discussed as part of the service or program's continuous quality improvement process and appropriate corrective actions documented and disseminated to staff.

## **7. Related Policies, Procedures and Legislation**

Society policies and procedures relating to this policy include:

- [Client Access and Eligibility Policy](#)
- [Client Assessment and Planning Policy](#)
- [Client-Centred Service Delivery Policy](#)



- [Client Charter Policy](#)
- [Client Transition and Exit Policy](#)
- [Client Referral Policy](#)
- [Client Review Policy](#)
- [Code of Conduct for Members, Volunteers and Employees](#)
- [Cultural Safety and Diversity Policy](#)
- [Media Policy and Procedures](#)
- [Medication Policy](#)
- [People We Assist Incident Management Policy and Procedure](#)
- [Police Check Policy](#)
- [Privacy Policy](#)
- [Quality Management Policy](#)
- [Record of Confiscated Substance Form](#)
- [Safeguarding Children and Young People Policy and Procedure](#)
- [Trauma Informed Care Policy](#)
- [Work Health and Safety Policy Statement](#)
- [Work-Related Violence Policy](#)

Legislation relating to this policy includes:

- *Advocate for Children and Young People Act 2014 (NSW)*
- *Aged Care Act 1997 (Cth)*
- *Anti-Discrimination Act 1977 (NSW)*
- *Children and Young Persons (Care and Protection) Act 1998 (NSW)*
- *Community Welfare Act 1987 (NSW)*
- *Crimes (Domestic and Personal Violence) Act 2007 (NSW)*
- *Disability Discrimination Act 1992 (Cth)*
- *Drug Misuse and Trafficking Act 1985 (NSW)*
- *Health Records and Information Privacy Act 2002 (NSW)*
- *Human Rights and Equal Opportunity Commission Act 1986 (Cth)*
- *Poisons and Therapeutic Goods Regulation 2008 (NSW)*
- *Privacy Act 1988 (Cth)*
- *Privacy and Personal Information Protection Act 1998 (NSW)*
- *Racial Discrimination Act 1975 (Cth)*
- *Sex Discrimination Act 1984 (Cth)*
- *Supported Accommodation Assistance Act 1994 (Cth)*
- *Work, Health and Safety Act 2011 (NSW)*

## **8. Roles and Responsibilities**

These policy requirements will be followed by all people included within the scope of this policy.

## **9. Effectiveness and Review**

This policy is scheduled for review yearly from its date of endorsement, and every two years thereafter or as frequently as required to align with legislative or practice changes.

## 10. Further Advice or Assistance

Please speak with your Manager if you have any questions regarding this policy. You may also contact the Policy Coordinator, Person-Centred Systems and Frameworks to provide feedback on this policy.

Approval and Amendment History	Details
Original Approval Authority	SVdP Society CEO 26/08/2015
V2	<ul style="list-style-type: none"><li>• Change in scope to reflect transition and alignment of services and programs to Person-Centred Systems and Frameworks policy.</li><li>• Change in language from 'client' to 'people/person we assist' or 'person' as appropriate to the sentence.</li><li>• Information added regarding S8 medication to definition of 'substances'</li></ul>