

Version: 1 FOI Status: Public	Derbyshire County Council – Adult Social Care & Health Legal and Illegal Substance Use Involving People Who Are Known to Adult Social Care and Health - Practice Guidance	Issued: October 2024 Review due: October 2026 Author: Quality and Compliance
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Derbyshire County Council - Adult Social Care & Health

Legal and Illegal Substance Use Involving People Who Are Known to Adult Social Care and Health - Practice Guidance

Version 1

Contents

- 1. Aim2
- 2. Use of Illegal Substances2
- 3. Use of Legal Substances.....2
- 4. Assessment.....2
- 5. One Off Requests.....3
- 6. Mental Capacity.....3
- Author History.....3

If you would like to make any comments, amendments, additions etc please email ASCH.adultcare.policy@derbyshire.gov.uk

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1. Aim

The aim of this guidance is to offer clear direction when working with people who are involved with the use of legal or illegal substances.

2. Use of Illegal Substances

Derbyshire County Council does not facilitate the purchase or misuse of illegal substances, it is the responsibility of the worker to inform their manager if a person makes this request.

If it is suspected that there are illegal substances in a person’s property or suspect it is being used for the sale of illegal substances, you must report to your manager immediately and follow safeguarding measures, which may involve contacting the police.

Under no circumstances will an employee support a person to prepare or use illegal substances.

3. Use of Legal Substances

People may ask a worker to purchase legal substances such as alcohol or cigarettes and should be encouraged to use their normal shopping routes to purchase these items.

Everyone has the right to follow their chosen lifestyle.

If there is evidence that people are being adversely affected by the use of legal substances, then based on individual circumstances appropriate action must be taken. This may include the involvement of other professionals to provide a holistic service to inform the core assessment and support plan to meet the required outcomes.

4. Assessment

The core assessment and support plan must include previous history as well as current health and social care needs.

Where physical and mental health have been compromised by the use of substances, this needs to be clearly recorded in all appropriate documentation. If at any time a worker feels vulnerable, they must leave the property and inform a manager immediately.

Discuss with health care professionals to confirm if current prescribed or non-prescribed medication can be adversely affected by the substance use.

It is important to record the impact that the substance use may have on a person and develop risk management plans in conjunction with all involved in the ongoing support.

Where regulated services are involved, the support must be clearly recorded in the Personal Service Plan (PSP). This includes how legal substances are purchased and paid for following financial regulations.

Advice from health and social care professionals including family and friends must be sought and considered.

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Managers must complete a Risk Assessment and Plan where necessary.

Visit [Live Life Better Derbyshire](#) for further guidance on support.

5. One Off Requests

If the request to purchase legal substances does not form part of the support plan/PSP, this must be discussed with a manager. The conversation and outcome must be recorded on the person’s record.

6. Mental Capacity

If an individual lacks the mental capacity to make decisions about their lifestyle choices, then a decision must be taken in their best interests, in consultation with family, friends or advocate and in accordance with the [Mental Capacity Act 2005](#). If there is a registered lasting power of attorney for health and wellbeing, then the attorney should make decisions about the care a person receives.

Further guidance on how this decision should be made is provided in the [Mental Capacity Act Code of Practice](#).

Author History

Approval and Authorisation History

Name	Date
Authored by Quality and Compliance team	November 2024
Approved by	November 2024

Change History

Version	Date	Name	Reason
Version 1	November 2024	Quality and Compliance team	New guidance