



# DRUG & SUBSTANCE MISUSE POLICY

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## Introduction

This policy covers the use and misuse of all psychoactive substances by students.

Substances covered by the term drugs in this policy include illegal drugs, tobacco, alcohol, solvents and prescription or over-the-counter-medicines (used for purposes other than those for which they were prescribed/intended).

The definition of a drug given by the United Nations Office on Drugs and Crime is:

*'A substance people take to change the way they feel, think or behave'*

REACH Learning Provision considers itself to be a caring, supportive environment that values all individuals as equals. REACH Learning Provision aims to actively discourage members of its Provision engaging in drug, alcohol, and substance misuse. Where appropriate, we will offer support and guidance to individuals at risk but will also adopt a zero-tolerance approach to the supplying of drugs to other members of the Provision and/or taking drugs on the premises. Training for staff members and volunteers will, we hope, help to reduce the risks of drug abuse amongst the students. Involving parent(s) and carer(s) in such initiatives will help raise awareness and reduce the risks to family members.

## Purpose of Policy

The purpose of our Drugs & Substance Misuse Policy is to:

- Clarify the Provisions approach to drugs for all staff, volunteers, students, parents/guardians, external Providers
- Enable staff to manage any incidents that occur, with confidence and consistency and in the best interests of those involved
- Contribute to making a safe and supportive learning environment
- Ensure the Provision is fulfilling its safeguarding responsibilities by ensuring that students are protected from harm and that those for who drugs are a concern, receive the appropriate care and support
- Enable staff to manage drugs on premises, and any incidents that occur, with confidence and consistency and in the best interests of those involved.

## Policy Training

All relevant staff will be made aware of their responsibilities under this policy and will receive training and support relevant to their responsibility for its effective operation.

## Drug Education

REACH Learning Provision recognises its duty to promote children and young people's wellbeing and is also required to promote pupil's moral, social and cultural development. As part of this the Provision has a responsibility to help young people manage risk, reducing the likelihood they may be harmed by use of legal and illegal drugs.

The aims of the Provisions drugs education curriculum, which is a part of PSHE/RSE is to:

- Increase knowledge and understanding, clarifying misconceptions about the short and long- term effects of drugs, laws relating to drugs, the impact of drugs on families, communities, and personal behaviour, the prevalence and acceptability of drug use among peers, and the moral, social, and emotional issues surrounding drugs
- Develop young people's personal and social skills to make informed decisions to stay safe and healthy including finding information and advice and devising coping strategies
- Enable young people to explore their own and other peoples' attitudes towards drugs, drug use, and users.

REACH Learning Provision will ensure that pupils learn about the effects and risks of drugs and the laws relating to drugs they will learn the skills to recognise and manage risk and to resist pressures. They will develop the skills to make choices for a healthy lifestyle and learn about where to go for help and advice.

REACH Learning Provision will ensure that pupils build on their knowledge and learn more about the effects of drug misuse on family, friends, community and society and that they gain greater understanding through clarifying their opinions and attitudes in discussions and debate and considering the consequences of their decisions.

Drug Education will be delivered via the Science Curriculum and PSHE\RSE lessons supported, where judged appropriate, by external drug educators.

## Inviting External Providers

REACH Learning Provision recognises that pupils often find visitors to a useful and informative part of their learning, but equally we know that for visits to be successful there needs to be shared understanding about the nature and content of the session/s. As a result, REACH will ensure the following measures are adhered to when using external providers to deliver drugs education:

- negotiate content with the visitor to take account of class needs and ensure relevance
- ensure that visitors have a clear understanding about the aims and objectives of the session and that they have seen and understood the Provisions Drug and Substance misuse policy and our Supervision Policy
- ensure that visitors have been briefed on any particular sensitivities that there may be in the student group – these may include identified drug issues by particular students or their families – as well as any broader needs within the group
- ensure that where visitors are used that the content of the session is linked back to the

- broader drug education and PSHE delivered by the Provision
- be present at all times when a visitor is in the class, and be ready to be an active participant in these sessions
  - ensure that they reflect on the learning from particular sessions with pupils and visitors, assessing the learning, and building skills and pro-health attitudes
  - follow up any unresolved issues and, whenever needed, extend the learning begun by the visitor, in a subsequent lesson
  - be alert to any distress caused or concerns raised in the session and ensure that appropriate support is given.

## Managing Drug Related Incidents

REACH Learning Provision operates a zero-tolerance policy towards drug use or supply on the premises. This will include students arriving under the influence of substances. When dealing with drug-related incidents<sup>1</sup>, all incidents should be recorded (see Appendix 1 for a copy of the form) and kept on record.

## Suspected Intoxication

**If a student is** found to be, or suspected of being, **under the influence of drugs or alcohol** a senior member of staff (SMS) will notify the student's family and home school immediately. If the Provision is aware that the student is known to the local authority's children's services, the details of this incident should also be shared with the named social worker as soon as is reasonably possible.

To enable us to keep a safe and coherent environment, we would request that a parent(s)/carer(s) come and collect the student so as not to cause disruption on the premises.

REACH Learning Provision will work closely with the student's family and home school in order to get the best outcome for the student.

## Suspected Possession of Alcohol or Drugs

If a member of staff suspects that **a student is in possession of alcohol or drugs**, he/she will inform a senior member of staff (SMS). The SMS will ask the student to empty their pockets or bags. If the student refuses, parent(s), carer(s) or social worker and the police may be contacted to conduct the search. The SMS may decide to conduct the search in the presence of another member of staff or may authorise a female member of staff to do so if the student is female. If REACH is aware that the student is known to the local authority's children's services, the details of this incident should be shared with the named social worker as soon as is reasonably possible.

REACH Learning Provision has a responsibility to hand any illegal drugs so discovered to the police. If the police cannot attend by the end of the day, the Provision may send a representative to deliver the drug to the nearest police station having first contacted the police in regard to the incident. The Provision will notify the student's family and home

school immediately. If, however, the substance discovered was a Class A drug the Provision will consider taking steps to suspend them from the Provision.

To enable us to keep a safe and coherent environment, we would request that a parent(s)/carer(s) come and collect the student so as not to cause disruption on the premises.

REACH Learning Provision will work closely with the student's family and home school in order to get the best outcome for the student.

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<sup>1</sup>We understand that some students may have additional needs. This could affect the way in which they react to situations. Reasonable adjustments should be made if the student has additional needs. Procedures should be explained to any SEN student using pictorial instructions if necessary. Each individual step needs to be explained, using simple and direct language, before it is carried out. Students on the Autistic Spectrum may dislike any touch or physical contact, especially in a tense environment and as such this could trigger or escalate any behaviour issues. If in doubt of how to deal with an SEN student contact the appropriate SENCO or professional organisation.

## Suspected Supplying of Drugs

If a student is found with a quantity of drugs that arouses suspicion of supplying drugs to others, the police will be informed and, unless there are exceptional circumstances, **the Provision may consider taking steps to permanently suspend the student**. Along with this, the Provision will seek to secure consent from the student's family and home school to refer the student for support from a local service. If the Provision is aware that the student is known to the local authority's children's services, the details of this incident should be shared with the named social worker as soon as is reasonably possible.

REACH Learning Provision will work closely with the student's family and home school in order to get the best outcome for the student.

## Suspected Supplying of Drugs Outside Premises

If it is suspected that a **student is involved in the supply of drugs outside the Provision**, the police will be contacted and the student's home school informed. If REACH is aware that the student is known to the local authority's children's services, the details of this incident should be shared with the named social worker as soon as is reasonably possible. If the student is supplying drugs to other students in school, the school may consider permanent suspension.

REACH Learning Provision will work closely with the student's family and home school in order to get the best outcome for the student.

## REACH Learning Provision Pupil Suspension Agreement

The following 'one off' incidents are accepted as serious enough to be considered for a permanent suspension:

- Serious assault of another pupil or member of staff
- Threatening violence with a dangerous weapon
- Distribution of drugs to other pupils
- Sexual assault/violence perpetrated against another pupil or member of staff
- Possession of drugs (if pupils engage in a comprehensive programme of rehabilitation and support, they could be excepted back)

- Any other serious incident that is considered to warrant a permanent suspension

## Police Actions and Interventions

The Police and Criminal Evidence Act 1984 allows the police to enter premises with consent in order to execute a warrant, arrest someone for an offence, search following an arrest, prevent a breach of the peace, or pursue a suspected offender. However, the police cannot demand by right to know whom a drug was confiscated from and there is no obligation to pass on this information.

The offence of obstruction involves a positive and actively obstructive act, such as the physical concealment of illegal drugs or of a person who possesses them or helping such a person to escape for example by creating a diversion or providing means of transport.

## Searching Pupils

A pupil can be searched if the staff member thinks that there are reasonable grounds for suspecting that a pupil is in possession of drugs. Staff should be aware that pupils can be searched with or without their consent. SMS or a member of school staff can carry out a search. The staff member carrying out the search must be the same sex as the pupil being searched (see exception below<sup>2</sup>); and there must be a witness (also a staff member) and, if at all possible, they should be the same sex as the pupil being searched.

When conducting a search:

- The person conducting the search may not require the pupil to remove any clothing other than outer clothing
- 'Outer clothing' means clothing that is not worn next to the skin or immediately over a garment
- that is being worn as underwear, but 'outer clothing' includes hats, shoes, boots, socks, gloves, and scarves
- 'Possessions' means any goods over which the pupil has or appears to have control – this includes desks, lockers, and bags. A pupil's possessions can only be searched in the presence of the pupil and another member of staff, except where there is a risk that serious harm will be caused to a person if the search is not conducted immediately and where it is not reasonably practicable to summon another member of staff
- The power to search without consent enables a personal search, involving removal of outer clothing and searching of pockets; but not an intimate search going further than that, which only a person with more extensive powers (e.g., a police officer) can do
- Under common law powers, schools are able to search lockers and desks for any item provided the pupil agrees. Schools can also make it a condition of having a locker or desk that the pupil consents to having these searched for any item whether or not the pupil is present

- If a pupil does not consent to a search (or withdraws consent having signed a consent form) then it is possible to conduct a search without consent but only for the “prohibited items” listed above
- Members of staff can use such force as is reasonable given the circumstances when conducting a search for illegal drugs (see Relevant Documents for DfE Guidance on use of Reasonable Force).

<sup>2</sup>There is a limited exception to this rule. You can carry out a search of a pupil of the opposite sex to you and / or without a witness present, but only where you reasonably believe that there is a risk that serious harm will be caused to a person if you do not conduct the search immediately and where it is not reasonably practicable to summon another member of staff.

## Handling Suspected Illegal Substances

Section 91 of the Education and Inspections Act 2006, enables a member of staff to confiscate, retain or dispose of a pupil’s property as a disciplinary penalty, where reasonable to do so. In addition, Section 5 of the Misuse of Drugs Act 1971 makes lawful provision for a person, in order to prevent the commission or continuance of an offence, to take possession of a controlled drug and either destroy it as soon as reasonably practicable, or hand it to a police officer for identification and destruction.

REACH Learning Provision does not expect staff to destroy suspected illegal substances. Any illegal substances found by all staff under any circumstances must be handed over to the police at the earliest possible opportunity. The find must be witnessed by at least one other staff member in addition to the finder, the fact recorded, and the drug held in a safe location until the police have dealt with the matter.

Be sure to include the following information on the Drug Related Incident Form:

- description of item
- time, date, and place of seizure
- full details from whom item seized and under what circumstances
- details of member of staff seizing the item
- signatures of witness(es)
- The item must be appropriately stored and **not taken home**, as the law is very specific regarding the disposal of controlled drugs and handling of them by unauthorised persons. Any storage, no matter how well intentioned (except while waiting for the police to collect it, once they have already been informed), is technically unlawful possession of a controlled drug.

If the police cannot attend quickly enough to remove the substance before the close of the day, the person in charge should inform the police that, in order that they are not breaking the law by possessing drugs on premises, they will be taking the drug to the nearest police station. They should give full details of their mode of transport and route and the name of the officer or number of the recorded message line they contacted to inform them of this course of action.

Where the staff member finds other substances which are not believed to be controlled drugs these can be confiscated where a teacher believes them to be harmful or detrimental to good order and discipline. This would include, for example, so called 'legal highs'. Where staff suspect a substance may be controlled, they should treat them as controlled drugs as outlined above.

## Information Sharing

All issues relating to confidentiality and information sharing will be in a context that is legal and is approved of and known by the senior leadership team.

The importance of confidentiality cannot be underestimated. A pupil seeking help or advice about drugs or substance use is not going to disclose to a trusted staff member if they believe that the information will immediately be shared with their parents or the police. At the same time, it is essential that teachers work within the law. The vital ingredient in the development of any successful working relationship between the teacher and young people is trust. A young person sharing personal issues with a staff member can often expect that confidentiality will be maintained. However, staff know that this is not always possible, and they cannot nor should promise total confidentiality. They must explain clearly with pupils the circumstances under which information may need to be disclosed and to whom.

**Judging Competency & Parental Involvement:** A young person aged 16 or 17 or a child under 16 who has the capacity to understand and make their own decisions may give or refuse consent to sharing. Children aged 12 or over may generally be expected to have such understanding. In most cases where a teacher has judged that the child is not competent to consent, a person with parental responsibility should be asked to consent on behalf of the child.

The Children's Act (2004) states that it is the duty of teachers to 'assist in the enhancement and maintenance of effective relationships between parent and child'. The parent of the child can therefore claim that they have a legal and moral right to be involved in the care of a young person if their participation will add to their child's wellbeing. The Children's Act defines 'parental responsibility' as, 'all rights, duties, powers, responsibilities, and authority which by law a parent of a child has in relation to the child and his property'.

**Protecting a Young Person's Confidentiality:** Professionals working with young people have a duty of confidentiality to young people and are not legally obliged to inform parents of a young person's drug use. In a situation where a young person's drug use has been disclosed by themselves or others, the member of staff must assess the impact on the young person of informing the parents of their child's alleged drug use and be very clear of the potential results of a disclosure. Any decision must be demonstrated to be made in the public interest as defined below. Decisions and discussions with senior staff must be documented clearly and accurately at the time and not retrospectively.



**Sharing Information without Consent Disclosure:** may be made if such a disclosure is considered to be in the **public interest**. Each case must be decided on its own merits. In making the decision the Provision must weigh up what might happen if the information is shared against what might happen if it is not and decide based on a reasonable judgment. There are public interests, which in some circumstances may weigh against sharing, including the public interest in maintaining young people's confidence in the confidentiality of the Provision as a source of help.

Sharing confidential information without consent will normally be justified in the public interest:

- when there is evidence that the child is suffering or is at risk of suffering significant harm
- where there is reasonable cause to believe that a child may be suffering or at risk of significant harm
- to prevent significant harm arising to children and young people or serious harm to adults, including through the prevention, detection, and prosecution of serious crime. Serious crime means any crime that causes or is likely to cause significant harm to a child or young person or serious harm to an adult.

The key factor in deciding whether or not to share confidential information without consent is **proportionality**, i.e., is the information you wish to, or are asked to share, a balanced response to the need to safeguard a child or another person, or to prevent or detect a serious crime? Whether the decision is to share information or not, the reasons for the decision should always be recorded in writing.

**Information sharing:** REACH Learning Provision will ensure that information is shared in a proper way. This means:

- sharing the information which is necessary for the purpose for which it is being shared
- sharing the information with the person or people who need to know
- checking that the information is accurate and up to date
- share it in a secure way
- establish with the recipient whether they intend to pass it on to other people and ensure they understand the limits of any consent which has been given
- inform the person to whom the information relates and, if different, any other person who provided the information, if you have not already and it is safe to do so.

## Final points

In all cases outlined above, REACH Learning Provision will always work with the students' parents and home school to make sure that as a collective we can support and rehabilitate the student and get them back on the path for success.

Suspending a student at REACH Learning Provision will always be a very last resort of action. We believe that all children deserve a chance to succeed in life and we will do our utmost to support the student in any way that we can

## Support organisations

### **FRANK**

#### **National drugs awareness campaign**

T: 0300 1236600 (24 hours 7 days a week)

M: 82111

E: frank@talktofrank.com W: www.talktofrank.com

## Relevant Documents

### **DfE & Association of Chief Police Officers (2012) Drug advice for schools**

This non-statutory advice produced jointly with the Association of Chief Police Officers (ACPO) is for school leaders, school staff, governing bodies, and local authorities. This guidance does not focus on drug education. It covers broader behaviour and pastoral support, as well as managing drugs and drug-related incidents within schools.

[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/270169/drug\\_advice\\_for\\_schools.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/270169/drug_advice_for_schools.pdf)

### **DfE (2014) Searching, screening and confiscation - Advice for headteachers, school staff and governing bodies**

This advice is intended to explain schools' powers of screening and searching pupils. It explains the use of the power to search pupils without consent. It also explains the powers schools have to seize and then confiscate items found during a search. It includes statutory guidance which schools must have regard to.

[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/279245/searching\\_screening\\_confiscation\\_advice\\_feb14.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/279245/searching_screening_confiscation_advice_feb14.pdf)

### **DfE (2013) Use of reasonable force: Advice for headteachers, staff and governing bodies**

This is non-statutory advice from the Department for Education. It is intended to provide clarification on the use of force to help school staff feel more confident about using this power when they feel it is necessary and to make clear the responsibilities of headteachers and governing bodies in respect of this power.

<https://www.gov.uk/government/publications/use-of-reasonable-force-in-schools>

### **DfE (2018) Keeping children safe in education: Statutory guidance for schools and colleges**

This is statutory guidance from the Department for Education issued under Section 175 of the Education

Act 2002, the Education (Independent School Standards) Regulations 2014 and the Education (Non-Maintained Special Schools) (England) Regulations 2011. Schools and colleges must have regard to it when carrying out their duties to safeguard and promote the welfare of children.

<https://www.gov.uk/government/publications/keeping-children-safe-in-education--2>

### **HM Government (2018) Working together to safeguard children: A guide to inter-agency working to safeguard and promote the welfare of children**

This statutory guidance should be read and followed by local authority Chief Executives, Directors of Children's Services, LSCB Chairs and senior managers within organisations who commission and provide services for children and families, including social workers and professionals from health services, adult services, the police, academy trusts, education, youth justice services and the voluntary and community sector who have contact with children and families

<https://www.gov.uk/government/publications/working-together-to-safeguard-children--2>



## Drug-Related Incident Report Form

Please complete this incident electronically, save and e-mail to the appropriate senior staff member responsible for dealing with drug-related incidents

Author of Report:

Date Report Completed:

### 1. Incident Details

Date of Incident:

Time of Incident:

Name of Pupil:

Year:

Is this the first incident? YES / NO

If NO, how many other incidents:

Suspected Drug Involved:

Sample Drug Found: YES / NO

If found, where retained:

Name of Witness:

### 2. Brief Description of Incident

### 3. Additional External Support

First Aid given: YES / NO

First Aid given by:

Ambulance called by: YES / NO

Called by:

Parent/Carer to be called: YES / NO

Parent/Carer to be called by:

Social Worker to be called: YES / NO

Social Worker to be called by:

Drug Agency to be called: YES / NO

Drug Agency to be called by: