

Drugs, alcohol and other substances policy

Statement

The use of drugs, alcohol and other substances can lead to the significant impairment of personal and academic development of young people.

Aims

This policy aims to ensure that young people get the support they need to make sensible, safe and lawful decisions about drugs, alcohol and other substances. Where inappropriate actions have occurred, this policy aims to clarify the schools response.

Other policies

This policy should be read in conjunction with the Safeguarding Policy, the Promoting Positive Behaviour Policy and the PSHE Policy.

Scope

For the purposes of this policy, the term 'school site' refers to both Senior and Lower School campus and also at any site where the pupils are representing the school, including at sport's fixtures, on educational visits etc, whether term time or in the school holidays.

This policy does not cover prescribed medication or medications purchased at a pharmacy, eg Calpol, anti-histamines. **Guidance on medications can be found in the First Aid and Medicines Policy.**

Safeguarding

The School recognises that use of alcohol, drugs and other substances can be an indicator of safeguarding concerns such as county lines and child sexual exploitation. The School will always seek to understand the context within which a pupil might be using alcohol, drugs or other substances. **Please see the Safeguarding Policy.**

Alcohol

Alcohol consumption by young people is widely accepted in society and pupils are often under pressure to drink, sometimes to excess. As a school, we feel strongly that pupils should receive a clear and coherent message about alcohol consumption and that the culture at The Queen's School seeks to promote pupils having a healthy attitude towards alcohol whilst understanding the risks associated with drinking excessively. This is achieved through the PSHE programme. **Please see PSHE Policy and curriculum for more information.**

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The law states that it is against the law;

- To sell alcohol to someone under 18 anywhere.
- For an adult to buy or attempt to buy alcohol on behalf of someone under 18. (Retailers can reserve the right to refuse the sale of alcohol to an adult if they're accompanied by a child and think the alcohol is being bought for the child.)
- For someone under 18 to buy alcohol, attempt to buy alcohol or to be sold alcohol.
- For someone under 18 to drink alcohol in licensed premises, except where the child is 16 or 17 years old and accompanied by an adult. In this case it is legal for them to drink, but not buy, beer, wine and cider with a table meal.
- For an adult to buy alcohol for someone under 18 for consumption on licensed premises, except as above.
- To give children alcohol if they are under five.

It is not illegal:

- For someone over 18 to buy a child over 16 beer, wine or cider if they are eating a table meal together in licensed premises.
- For a child aged five to 17 to drink alcohol at home or on other private premises.

<https://www.drinkaware.co.uk/alcohol-facts/alcohol-and-the-law/the-law-on-alcohol-and-under-18s/>

For the purposes of clarity and consistency, The Queen's School does not permit any pupil of any age to bring alcohol onto the school site for the purposes of consumption by themselves or another pupil. If a pupil is found to have alcohol in their possession, a member of the Pastoral Team will confiscate the alcohol and contact the pupil's parents. The alcohol will only be returned to the parent. The pupil will be subject to interventions under the Promoting Positive Behaviour Policy for contravention of this policy up to and including exclusion. It is also unacceptable for a pupil to be under the influence of alcohol when on the school site. Where this is deemed, in the judgement of a member of the Senior Leadership Team to be the case, parents will be called and the pupil will be supervised until they are collected by the parent. The pupil will be subject to interventions under the Promoting Positive Behaviour Policy for contravention of this policy up to and including exclusion. Further support for pupils who may be experiencing problems with alcohol abuse will be signposted to the parents.

The School does not normally serve alcohol to pupils of any age at school events, nor does it permit the consumption of alcohol by pupils on educational visits. In circumstances where we might want to deviate from this, we will seek parental permission in advance.

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Smoking of tobacco and 'vaping'.

The School strongly discourages the smoking of tobacco as it is highly addictive, is seen by many as anti-social and it can kill. As part of the PSHE curriculum, pupils are made aware of the harmful effects of smoking and the damage that it can cause.

The law states that smoking is prohibited in public transport, indoor public places, and indoor workplaces, including work vehicles.

The law around the sale of tobacco products states that it is illegal:

- for shops to sell tobacco products under the age of 18
- for an adult to buy tobacco products for a person under 18.

<https://www.tobaccocontrol.org/legislation/country/england/summary>

The current long term effects of vaping are unknown and on 1 October 2015 it became illegal for retailers to sell electronic cigarettes (e-cigarettes) or e-liquids to someone under 18.

Smoking of tobacco and 'vaping' are therefore forbidden at any time when pupils, irrespective of their ages, are subject to School discipline, such as while they are travelling to and from School, when they are in School uniform, when they are on School premises, or when they are taking part in official School activities or trips. If a pupil is found to have tobacco products or any of the equipment associated with vaping in their possession, a member of the Pastoral Team will confiscate these and contact the pupil's parents. These articles will only be returned to the parent. The pupil will be subject to interventions under the Promoting Positive Behaviour Policy for contravention of this policy up to and including exclusion. Further support for pupils who may be experiencing problems with tobacco or vaping use will be signposted to the parents.

The Queen's School is a non-smoking site at all times.

Drugs and other substances

These expressions refer to the possession, use and supply of controlled drugs and the paraphernalia of drugs or substances intended to resemble drugs, such as "legal highs" or "legal" drugs which can be obtained from a chemist shop, performance enhancing drugs, anabolic steroids, volatile substances, glue and other substances held or supplied, in each case, for the purposes of misuse.

Young people are becoming increasingly aware of, and in some cases using, new psychoactive substances (NPS). These are designed to mimic the effect of illegal drugs but are structurally different enough to avoid being classified as illegal substances under the Misuse of Drugs Act. Despite being labelled as legal these substances are not always safe to use and often contain controlled drugs making them illegal to possess. New psychoactive substances are included in the

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school drug policy as unauthorised substances and treated as such. If there is uncertainty about what the substance is, it should and is to be treated as a controlled drug.

The central aim of this policy is to keep drugs out of The Queen's School. We aim to do so by means of education, pastoral care, detection of users and a sanctions' policy. We educate pupils to understand that the use of drugs and other substances is, or may be, a criminal offence and will be harmful to their health, integrity, independence, opportunities and careers and will damage the society in which they live. The understanding of the rule of law is of vital significance here.

The Queen's School does not tolerate the use of drugs and other substances. The Queen's School does not permit any pupil to bring drugs, or other substances of this nature, or any drug paraphernalia onto the school site for the purposes of consumption by themselves or another pupil or to be passed on to someone else. If a pupil is found to have any items such as in their possession, a member of the Pastoral Team will confiscate them and contact the pupil's parents. See procedure below for the health and safety aspects of this. The pupil will be subject to interventions under the Promoting Positive Behaviour Policy for contravention of this policy up to and including exclusion. There are complex laws around the possession and supply of drugs and psychoactive substances and so pupils should expect that the police will be involved if, on the balance of probabilities, it is suspected that they have been involved in the use of such substances. It is also unacceptable for a pupil to be under the influence of drugs or other substances when on the school site. Where this is deemed, in the judgement of a member of the Senior Leadership Team to be the case, parents will be called and the pupil will be supervised until they are collected by the parent. The pupils' welfare is paramount and therefore, where necessary, medical assistance may be sought. The pupil will be subject to interventions under the Promoting Positive Behaviour Policy for contravention of this policy up to and including exclusion. The school reserves the right to request a drugs test if there is reason to suspect that any student is using or has used a classified drug.

Further support for pupils who may be experiencing problems with drugs or substance abuse will be signposted to the parents.

<https://www.gov.uk/government/publications/drugs-advice-for-schools>

Schools' general power to discipline, as set out in 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.

Where the person 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 new psychoactive substances or 'legal highs'. If school staff are unable to identify the legal status of a drug, it should be treated as a controlled drug.

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Procedure when discovering drugs or other substances

The school follows the published government advice (link above).

In taking temporary possession and disposing of suspected controlled drugs schools we will;

- ensure that a second adult witness is present throughout;
- seal the sample in a plastic bag and include details of the date and time of the seizure/find and witness present;
- store it in a secure location, such as a safe or other lockable container with access limited to senior members of staff;
- notify the police without delay, who will collect it and then store or dispose of it in line with locally agreed protocols. The law does not require a school to divulge to the police the name of the pupil from whom the drugs were taken but it is advisable to do so;
- record full details of the incident, including the police incident reference number;
- inform parents/carers, unless this is not in the best interests of the pupil.

In all cases, staff who know or suspect a pupil may have drugs or other substances should inform a member of the Senior Management Team immediately.

Screening, searching and confiscation

<https://www.gov.uk/government/publications/searching-screening-and-confiscation>

Searching

Under the government guidance,

- School staff can search a pupil for any item if the pupil agrees. The ability to give consent may be influenced by the child's age or other factors
- Headteachers and staff authorised by them have a statutory power to search pupils or their possessions, without consent, where they have reasonable grounds for suspecting that the pupil may have a prohibited item. Prohibited items are:
 - knives or weapons
 - alcohol
 - illegal drugs
 - stolen items
 - tobacco and cigarette papers
 - fireworks
 - pornographic images
 - any article that the member of staff reasonably suspects has been, or is likely to be, used to commit an offence, or to cause personal injury to, or damage to the property of, any person (including the pupil).

Headteachers and authorised staff can also search for any item banned by the school rules which has been identified in the rules as an item which may be searched for. For this reason, other

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substances eg 'legal highs', other substances for misuse and vaping equipment are also prohibited items.

Confiscation

Under the government guidance, schools can seize any prohibited item found as a result of a search. They can also seize any item, they consider harmful or detrimental to school discipline

Schools' general power to discipline, as circumscribed by 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.

Searching with consent

- Schools are not required to have formal written consent from the pupil for this sort of search – it is enough for the teacher to ask the pupil to turn out his or her pockets or if the teacher can look in the pupil's bag or locker and for the pupil to agree.
- Schools should make clear in their school behaviour policy and in communications to parents and pupils what items are banned. The Queen's School has listed all prohibited items in this policy for clarity and it is available to all members of the school community via the School website.H
- If a member of staff suspects a pupil has a banned item in her possession, they can instruct the pupil to turn out her pockets or bag and if the pupil refuses, the teacher can apply an appropriate punishment as set out in the school's behaviour policy.
- A pupil refusing to co-operate with such a search raises the same kind of issues as where a pupil refuses to stay in a detention or refuses to stop any other unacceptable behaviour when instructed by a member of staff – in such circumstances, schools can apply an appropriate disciplinary penalty.

Searching without consent

The guidance stipulates that;

Teachers can only undertake a search without consent if they have reasonable grounds for suspecting that a pupil may have in his or her possession a prohibited item. The teacher must decide in each particular case what constitutes reasonable grounds for suspicion. For example, they may have heard other pupils talking about the item or they might notice a pupil behaving in a way that causes them to suspect that the pupil is concealing a prohibited item. The powers allow school staff to search regardless of whether the pupil is found after the search to have that item. This includes circumstances where staff suspect a pupil of having items such as illegal drugs or stolen property which are later found not to be illegal or stolen.

- You must be the same sex as the pupil being searched; and there must be a witness (also a staff member) and, if possible, they should be the same sex as the pupil being searched.

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- 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.

Searches without consent can only be carried out on the school premises or, if elsewhere, where the member of staff has lawful control or charge of the pupil, for example on school trips in England or in training settings.

The powers to search in the Education Act 1996 are compatible with Article 8 of the European Convention on Human Rights (pupils have a right to respect for their private life).

Who can search?

Under the regulations, the Headteacher must authorise who can search. At The Queen's School, only the Headmistress or, in her absence, the Deputy Head can conduct a without consent search. With consent searches can be conducted by a member of the Senior Leadership Team and the Heads of Key Stages.

Extent of the search – clothes, possessions, desks and lockers

What the law says:

- 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; 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.

Also note:

- 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.

Lockers and desks

- 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 have these searched for any item whether or not the pupil is present.

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- 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 following prohibited items listed above.

Members of staff can use such force as is reasonable given the circumstances when conducting a search for knives or weapons, alcohol, illegal drugs, stolen items, tobacco and cigarette papers, fireworks, pornographic images or articles that have been or could be used to commit an offence or cause harm. Such force cannot be used to search for items banned under the school rules.

Items found as a result of a 'without consent' search

What the law says:

- A person carrying out a search can seize anything they have reasonable grounds for suspecting is a prohibited item or is evidence in relation to an offence.
- Where a person conducting a search finds alcohol, they may retain or dispose of it. This means that schools can dispose of alcohol as they think appropriate but this should not include returning it to the pupil.
- Where they find controlled drugs, these must be delivered to the police as soon as possible but may be disposed of if the person thinks there is a good reason to do so.
- Where they find 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.
- Where a member of staff finds tobacco or cigarette papers they may retain or dispose of them. As with alcohol, this means that schools can dispose of tobacco or cigarette papers as they think appropriate but this should not include returning them to the pupil.
- Where a member of staff finds an item which is banned under the school rules they should take into account all relevant circumstances and use their professional judgement to decide whether to return it to its owner, retain it or dispose of it.

Telling parents and dealing with complaints

Schools are not required to inform parents before a search takes place or to seek their consent to search their child.

- There is no legal requirement to make or keep a record of a search however, The Queen's School will record all details on the Management Information System.
- Schools should inform the individual pupil's parents or guardians where alcohol, illegal drugs or potentially harmful substances are found, though there is no legal requirement to do so. In practice, the School will inform parents unless to do so would place the pupil at risk.
- Complaints about searching will be dealt with through the normal school complaints procedure.

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Appendix A Useful sources of support

Addaction is one of the UK's largest specialist drug and alcohol treatment charities. As well as adult services, they provide services specifically tailored to the needs of young people and their parents. The Skills for Life project supports young people with drug misusing parents.

Website: www.addaction.org.uk

ADFAM offers information to families of drug and alcohol users, and the website has a database of local family support services.

Tel: 020 7553 7640

Email: admin@adfam.org.uk

Website: www.adfam.org.uk

Alcohol Concern works to reduce the incidence and costs of alcohol-related harm and to increase the range and quality of services available to people with alcohol-related problems

Tel: 020 7264 0510.

Email: contact@alcoholconcern.org.uk

Website: www.alcoholconcern.org.uk

ASH (Action on Smoking and Health) A campaigning public health charity aiming to reduce the health problems caused by tobacco.

Tel: 020 7739 5902

Email: enquiries@ash.org.uk

Website: www.ash.org.uk

Drinkaware - An independent charity that promotes responsible drinking through innovative ways to challenge the national drinking culture, helping reduce alcohol misuse and minimise alcohol related harm.

Tel: 020 7307 7450

Website: www.drinkaware.co.uk/

Drinkline - A free and confidential helpline for anyone who is concerned about their own or someone else's drinking.

Tel: 0800 917 8282 (lines are open 24 hours a day)

FRANK is the national drugs awareness campaign aiming to raise awareness amongst young people of the risks of illegal drugs, and to provide information and advice. It also provides support to parents/carers, helping to give them the skills and confidence to communicate with their children about drugs.

24 Hour Helpline: 0800 776600

Email: frank@talktofrank.com

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Website: www.talktofrank.com

Re-Solv (Society for the Prevention of Solvent and Volatile Substance Abuse)

A national charity providing information for teachers, other professionals, parents and young people.

Tel: 01785 817885 Information line: 01785 810762

Email: information@re-solv.org

Website: www.re-solv.org

Smokefree - NHS Smoking

Helpline: 0800 169 0 169

Website: <http://smokefree.nhs.uk>