

## **DRUGS POLICY**

### **1. INTRODUCTION**

1.1 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).

1.2 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’.

The term ‘drugs’ and ‘drug education’, unless otherwise stated, is used throughout this document to refer to all illegal drugs controlled by the Misuse of Drugs Act 1971 and the Act’s amendments, ie. Drugs Act 2005.

1.3 Maricourt seeks to provide and sustain a living Catholic Community which is rooted in Christian Values and where growth and knowledge, respect, love and fellowship are shared by all.

### **2. PURPOSE OF POLICY**

2.1 The purpose of the School’s Drugs Policy is;

- Clarify the school’s approach to drugs for all staff, students, parents/guardians, external agencies and the wider community
- 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 school 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.

### **3. COORDINATION AND DISSEMINATION OF POLICY**

3.1 The School has appointed Mrs. K. Barnet to be responsible for the following duties regarding the drugs policy:

- Coordinate the review and/or implementation of the school’s drugs policy.
- Ensuring that staff and students are aware of sources of help and support, both inside and outside, for young people with issues regarding drugs.

- Coordinate the drugs education programme along with the head of PSHEE.
- Provide in-house support for both staff and young people wishing to discuss concerns.
- Ensure that all staff will refer young people seeking advice, information or help to them.
- Facilitate the monitoring and review of the drugs policy when deemed necessary and at least once a year.
- Publicise elements of the drugs policy via posters and leaflets

#### **4. DRUG EDUCATION**

4.1 The School recognises its duty to promote children and young people's wellbeing and is also required to promote pupils' spiritual, moral, social and cultural development . As part of this the School has a responsibility to ensure young people manage risk, reducing the likelihood they may be harmed by use of legal and illegal drugs.

4.2 The aims of the School's drugs education curriculum is to;

- a) 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.
- b) 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; and
- c) Enable young people to explore their own and other peoples' attitudes towards drugs, drug use, and users.

4.3 The School will ensure that pupils at Key Stage 3 will 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.

4.4 The School will ensure that at Key Stage 4 pupils build on their knowledge and learn more about the effects of drug misuse on family, friends, community and society. They gain greater understanding through clarifying their opinions and attitudes in discussions and debate and considering the consequences of their decisions.

4.5 Drug Education will be delivered via PSHEE and the Science Curriculum, supported, where judged appropriate, by external drug educators in partnership.

4.6 Inviting External Agencies: The School recognises that pupils often find visitors to school 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, the School will ensure the following measures are adhered to when using external agencies 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 they have seen and understood the school's drug education 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 school.
- 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

## **5. MANAGING DRUG RELATED INCIDENTS**

5.1 This section of the policy has due regard to the government's guidance on managing drug-related incidents, namely DfE's (2012) Drugs Advice for Schools, (2014) Searching, Screening and Confiscation and this policy also has due regard to HM Government's (2015) 'Working Together to Safeguard Children: A guide to inter-agency working to safeguard and promote the welfare of children' statutory guidance.

5.2 The School will operate 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 all incidents should be recorded.

### **5.3 Suspected Intoxication**

If a student is found to be or suspected of being under the influence of drugs or alcohol a senior manager will be notified, the student's family and home institution informed. The student will be referred to the appropriate Progress Leader or SLT for support, assessment and will secure the consent of the pupil to make a referral to the school nurse or the local substance misuse service. If 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.

### **5.4 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 manager. SLT will ask the student to empty their pockets or bags. If the student refuses, parents, carer or social worker and the police will be contacted to conduct the search. If neither is available before the end, the Manager may decide as a last resort 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 (see Section 5.6 of this policy for further guidance). If the provider 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.

The organisation has a responsibility to hand any illegal drugs so discovered to the police (see section 5.7 for further guidance on handling suspected drugs). If the police cannot attend by the end of the day, the organisation may send a representative to deliver the drug to the nearest police station having first contacted the police by an established method to inform them of their route and mode of transport. The organisation will notify the student's home institution and refer the pupil to the school nurse or the local substance misuse service for support, assessment and onward referral where appropriate. If, however, the substance discovered was a Class A drug the Headteacher will consider taking steps to exclude whilst at the same time refer the student for support.

### 5.5 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 School will consider taking steps to permanently exclude the student. Along with this, the School will seek to secure consent from the student to refer the student for support to the local service. If the School 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.

### 5.6 Suspected Supplying of Drugs outside premises

If it is suspected that students are involved in the supply of drugs outside the School, the police will be contacted and the student's home institution informed. If the School 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.

### 5.7 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.

### 5.8 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. The Headteacher, a member of SLT or Progress Leader 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); 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; 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. DfE Guidance (2014) states, 'There is a limited exception to this rule. You can carry out a search of a pupil of the opposite sex to you and 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.'
- under common law powers, schools are able to search lockers and desks for any item. 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.
- members of staff can use such force as is reasonable given the circumstances when conducting a search for illegal drugs.

## 5.9 Handling Suspected Illegal Substances

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. 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.

The School 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:

- 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.

## **6. INFORMATION SHARING**

- 6.1 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 management.
- 6.2 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.
- 6.3 Judging Competency and 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 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 well being. 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".

#### **6.4 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 provider must follow their Child Protection policy in deciding whether or not to share information. The worker 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.

#### **6.5 Sharing Information without Consent**

Disclosure without consent 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 provider must weigh up what might happen if the information is shared against what might happen if it is not, and make a decision 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 provider 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; or
- where there is reasonable cause to believe that a child may be suffering or at risk of significant harm; or
- 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.

## **6.6 Information sharing:**

The School 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

## **7. ASSESSING VULNERABLE PUPILS AT RISK**

7.1 In most cases, one or a few of the situations below will result in the need for a student to be screened:

- Student's drug or alcohol use is significantly affecting performance at school, work, or home.
- Drug or alcohol use is causing problems such as conflict at home.
- They feel under unwanted pressure to use drugs, or are being coerced to use or procure drugs for others.
- The student is involved in organised or habitual supply of drugs to others.
- They fall into an identified vulnerable group or are experiencing one or more of a number of risk factors (e.g. lack of parental or peer support, being looked after, additional risk behaviours such as risky sexual behaviour, emotional or behavioural problems).
- The student's drug or alcohol use is 'out of control'.
- Their health is suffering as a result of their drug use or their life could be at risk.
- The student could be at risk of violence from others if their drug use continues.
  - The student has a previous history of problematic drug misuse (or their parents).
  - The student is using any Class A drugs or injecting any non-prescribed drugs.
  - Other staff or service users could be exposed to significant danger.

- Their (or someone else's) drug use is impacting negatively on their behaviour and/or emotional health.

7.2 Staff will also take into consideration whether the student's use is:

- a one-off incident or longer-term use of a drug or alcohol
- the student's motivation in disclosing their use to you
- the young person's knowledge and attitude to their own or others' safety
- how the drug is being used
- where the incident appears on a scale from 'possession of a small quantity' to
- persistent supply for profit.

7.3 It is clear that not every instance of drug use will place a young person at risk of significant harm. The drug's use screening tool will help staff determine the seriousness of each young person's substance use and the actual or likelihood of immediate or possible future risk and harm, so that a referral can be made.

7.4 It is important that staff know how to assess the likelihood of significant harm to a young person (or others) as a result of their involvement with drugs and how best to assist them to access other services, so staff are always invited to seek support from their line manager and/or the local drug misuse service.

## **8. REFERRING TO THE LOCAL SERVICE**

8.1 The School will disclose information as appropriate following child protection procedures agreed onward referral mechanisms and protocols with other agencies or to the police as appropriate to the public interest case being satisfied. The School will not automatically be expected to report any young person's personal disclosure of drug use to police. It would normally be more appropriate to refer young people to the local specialist service in the first instance. However, there may be circumstances where this course of action is taken, such as repeated warnings or danger to staff and others. Discussion between the staff and senior manager is essential to agree on a coordinated and planned approach to supporting and safeguarding the student.

## **9. POLICY TRAINING**

9.1 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. In addition, staff will be trained in the referral procedure to access additional support and treatment services from external agencies.