Drugs and Substance Misuse Policy

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1 AIMS

1.1 Introduction

Young people face growing pressures to use or experiment with controlled drugs, alcohol, tobacco, vapes and other 'recreational' substances often referred to as 'legal highs', now illegal. Our purpose at Kew House School is to do all we can to reduce these pressures, to educate children about the risks of involvement and experimentation with drugs and to maintain an environment free from illegal drugs and from the temptation to use illegal drugs and other harmful or potentially harmful substances. The responsibility for the education of our pupils is shared with parents and effective communication and co-operation is essential to the implementation of the School's policy. The School offers advice to parents via the TeenTips website and parent seminars, delivered by external experts. The School also hopes that parents will share concerns with the School should they consider their son or daughter is involved in illegal drug usage.

1.2 Purpose

It is also our purpose at Kew House School:

- To ensure compliance with the criminal law under which it is an offence for any person to possess, use, supply or sell controlled drugs or for the School to allow its premises to be used for those purposes.
- To help develop in each of our pupils the moral courage to reject those parts of "youth or drugs culture" which may be harmful to their health, integrity, independence, opportunities, and respect for the law.
- To maintain the integrity and reputation of the School community, to reflect the wishes of parents, and to provide support and confidential counselling for those who may otherwise be tempted to take risks or experiment with illegal drugs.
- To provide a firm and robust disciplinary framework for dealing with pupils who bring illegal drugs into School and use or tempt others to use them at or away from School premises. **Pupils involved with illegal drugs in this way are liable to expulsion.**
- To provide a firm and robust disciplinary framework for dealing with pupils who bring *substances* as defined within this policy into School and use or tempt others to use them at or away from School premises during school hours.
- To increase understanding of the implications and possible consequences of use and misuse personally, socially, and in the eye of the law.
- To provide pupils with accurate information about drugs and other harmful or potentially harmful substances and make them aware of consequences of substance misuse.
- To enable pupils to make healthy, informed choices by increasing knowledge, challenging attitudes, and developing coping strategies.
- To actively discourage the use of illegal drugs (or the abuse of prescription drugs) and to treat cases of illegal drug usage by pupils as serious misconduct which will be investigated, and, may lead to the imposition of sanctions, including expulsion.

This policy has been drawn up in accordance with the guidance contained in the DfE and ACPO guidance 'Drugs: Guidance for Schools (2012)'.
Parents are expected to give their full support to these aims.

1.3 Scope

The policy applies at all times when a pupil is in the care of the School. It will also apply to complaints or other incidents regardless of whether **in or out** of School, where an individual pupil or the reputation of the School is affected. For example, when one pupil is found to have offered illegal drugs or other substances to another or the consumption of drugs has been brought to the attention of the school through resultant events.

1.4 Implementation of the Policy

Implementation of this Policy will be based upon trust and understanding between pupils, staff and parents and is seen as being in the best interests of all pupils at the School. It is also meant to act as a positive and effective deterrent. The *Head* takes overall responsibility for the Policy and its implementation, also for liaison with the *Board of Directors*, parents, and appropriate outside agencies. The relevant *Deputy Head* will oversee the pastoral care implications of this Policy.

1.5 Education

A continuing programme of education about drugs will be maintained throughout the School. The programme will be delivered primarily through the School's Individuals in Society programme, and the pastoral care curriculum which begins in Year 7 at the School and also in the course of PE, chemistry and biology science lessons. All staff will, in addition, have their own contributions to make as appropriate situations present themselves. *Personal Tutors* will also remind their tutees of the school rules regarding drug abuse and the consequences of failure to adhere to the rules at the start of each year.

1.6 Training of staff

The programme of education for pupils will be complemented by regular in-service training for staff. The *Deputy Heads* will ensure that all teaching staff receive an update at least every three years.

1.7 Involvement of parents

Parents will be kept informed of any changes or developments to the School's programme of drugs education. Parents will be invited to the School on certain occasions to discuss issues related to adolescence and youth culture including drugs.

Parents are also encouraged to contact the School if they feel that their son or daughter may have been offered, or in any way be involved with illegal drugs.

1.8 Child protection and safeguarding

If a parent or guardian attending school premises appears to be under the influence of drugs or alcohol, they will be asked to leave and the member of staff making the request should refer the matter to the *School's Designated Safeguarding Lead (DSL)* Ms Liz Atwell, who is the designated person for child protection / safeguarding. If a member of staff suspects that a parent has driven or will drive whilst under the influence of drugs or alcohol, the member of staff should report the matter to the *DSL* or a *member of the Senior Management Team* who may telephone the Police. If the *DSL* reasonably believes that a child is at immediate risk of harm from a parent who may be under the influence of alcohol or drugs, the child will not be released into the care of the parent until appropriate measures have been taken. These may include involving another member of the family, social services, or the Police. The school reserves the right to inform the appropriate authorities if they are advised of drugs being consumed in the presence of a parent or in the care of a parent.

1.9 Individual pupils

Help will be provided for any pupil genuinely seeking it as part of the School's pastoral care provision. The personal tutorial system and the presence of the *Deputy Heads* responsible for each Key Stage allows pupils to discuss their anxieties about drugs or substances in confidence (within the legal requirements for safeguarding) if they need to do so. However, confidentiality cannot not be provided to any pupil who discloses that she/he is taking illegal drugs or if there is a disclosure implicating others who may be taking drugs. The identity of the source of such information will, as far as is reasonably possible, be kept confidential. **A pupil coming forward with a drugs problem will receive help but will also be required to go on to a programme of regular drug testing if they wish to remain at the school and receive its support.** A pupil declining such a programme of support and testing may forfeit their place at the school.

1.10 Investigation

The School will investigate rumour concerning pupil involvement with illegal drugs or substances as far as is reasonable. The investigation may involve segregating a pupil for no longer than necessary:

- Asking questions
- Asking them to give a written account of circumstances.
- Searching their personal belongings
- Viewing mobile phones
- Taking possession of property for analysis
- Asking the pupil to provide a urine sample or drugs test under appropriate supervision.

Investigations will be conducted fairly and in accordance with natural justice. The pupil will have reasonable access to a telephone, toilet, food, and drink and will not be left unaccompanied for long periods of time. Interviews will normally be conducted by the *Headmaster or Deputy Head* in the presence of the pupil's *PT* or another teacher. Sources of information will not normally be disclosed. Parents will be kept informed so far as practicable.

1.11 Searching

The school will refer to the most up-to-date guidance with respect to searching pupils, their property and any digital presence.

Current guidance: *Searching, screening and confiscation Advice for headteachers, school staff and governing bodies* (July 2022)

1.12 Informed consent

Before any search is undertaken consent will usually be sought from parents or from the pupil if they are of sufficient maturity and understanding. The member of staff leading the search will determine whether or not the pupil is able to provide this consent and may request the additional opinion of a medically qualified member of staff if required. If the pupil refuses consent, they will be asked to say why they have refused. The School will be entitled to draw inferences from his/her response and general demeanour and **the Police may be informed if judged to be appropriate by *the Head***. If a parent refuses consent to cooperate with a test, the School may draw inferences from the parent's general demeanour and **the Police may be informed**. If a pupil refuses to confirm or deny the consumption of drugs the school may draw inferences from this and require a drugs test.

1.13 Searches without consent

In relation to alcohol and prohibited items as defined in Section 2 of the Misuse of Drugs Act 1971, *the Head*, and staff authorised by *the Head*, may search a pupil or a pupil's possessions including their phone, without their consent, where they have reasonable grounds for suspecting that a pupil has a prohibited item in their possession. This may include tobacco products or vaping equipment.

1.14 Searches generally

If staff believe a pupil possesses drugs, drug paraphernalia or has stored drugs and substances, it may be appropriate for a member of staff to carry out one or more of the following:

- A search of outer clothing; and/or
- A search of school property, e.g. pupils' cloakroom space or bag
- A search of personal property (e.g. bag or pencil case)

Searches will be conducted in such a manner as to minimise embarrassment or distress. Any search of a pupil or their possessions will normally be carried out in the presence of the pupil and another member of staff.

Where a pupil is searched, the searcher and the second member of staff present will be the same gender as the pupil.

Where *the Head*, or staff authorised by *the Head*, find anything which they have reasonable grounds for suspecting is a prohibited item, they may seize, retain and dispose of that item. They may also pass it on to the Police.

Where the pupil declines to allow a search, this will be taken into account in any subsequent disciplinary procedure.

1.15 Police involvement

If the School seizes a controlled drug, the drug may be destroyed if there is good reason to do so. Otherwise the School will deliver it to the Police as soon as reasonably practicable. **In all other cases, the School may decide to request the involvement of the Police from the outset.** If the Police suspect that a pupil possesses or has stored drugs, substances or related paraphernalia, the Police may elect to investigate using their own procedures or may pass the matter back to the School to investigate. **The School may use its discretion to decide whether Police involvement is appropriate. Parents will be advised in line with Police procedures.**

1.16 Testing for illegal drugs

If, outside the context of confidential counselling, *the Head* forms a reasonable suspicion that a pupil has been involved with illegal drugs, the pupil may be asked to provide a urine sample or other drugs test under appropriate supervision (i.e. medical supervision with a member of the School staff present) at School premises or at an external laboratory.

1.17 Informed consent

The relevant consent to a drugs test is that of the pupil rather than the parents, even if the pupil is under 16 years of age, provided they are of sufficient maturity and understanding and gives their informed consent in writing or verbally. The member of staff leading the search will determine whether or not the pupil is able to provide this consent and may request the additional opinion of a medically qualified member of staff.

1.18 Notifying parents

Reasonable efforts will be made, before a sample is taken, to notify a parent, or guardian of the requirement for a sample and the reasons for that requirement. Testing procedures will be in accordance with standard good practice for the current test kit. [Appendix B]

Inferences may be drawn from a refusal of a test in these circumstances and may result in the pupil being required to leave the School community forthwith and/or the Police being informed.

The outcome of the test, whether positive or negative, will not form part of the pupil's permanent medical record.

1.19 Terminology

"Drugs" means controlled drugs including cannabis, Temazepam, LSD, cocaine, Xanax, amphetamines, ecstasy-MDMA and heroin and includes both illegal drugs and those that are legal when present in medicinal products of low strengths (and which may be obtained with or without a prescription) prescription drugs not prescribed for the holder and 'legal highs'.

"Involvement with illegal drugs" includes possession, use, supplying and dealing with illegal controlled drugs, illegally held prescription drugs or substances resembling illegal controlled drugs.

"Substances" means all controlled drugs and, in the appropriate context, alcohol, tobacco, cigarettes, smoking paraphernalia, vaping equipment, anabolic steroids, NOS and every other substance that, when abused, may damage the health, safety and welfare of a pupil.

"Reasonable suspicion" means a suspicion based on a cogent reason stated by *the Head*.

"Satisfied" means "more likely than not" in the opinion of *the Head*.

1.20 Discipline following misuse of drugs and substances

The School will consider each substance incident individually and recognises that a variety of responses will be necessary to deal with incidents.

The School will take temporary possession of a substance that is or is suspected to be an illegal drug to protect the pupil from harm and from committing the offence of possession. This is permitted in law. School staff will not attempt to identify, analyse or taste an unidentified substance. The substance will be handed over to the Police, who will be able to identify whether it is an illegal drug.

Appropriate counselling and support will be available to those pupils perceived to be at risk.

Where a pupil discloses to a member of staff that he/she is taking illegal drugs, the member of staff should make clear to the pupil that the information will be shared with the *Head and/or Deputy Head.* Given the seriousness of substance misuse, the pupil will be pointed to sources of confidential information and advice, and to treatment and rehabilitation services available to help those who are misusing substances.

1.21 Supply

Those who sell illegal drugs or substances, possess them with intent to supply, distribute them, to encourage others to use them, whether **on or off** school premises while under school auspices will be expelled.

1.22 Other involvement

In every other case where *the Head* is satisfied that there has been involvement in illegal drugs **on or off** School premises while under School auspices, or where a pupil has tested positively to illegal drugs, the pupil can normally be expected to be expelled, as the health and safety of other pupils is directly at risk. Alternative sanctions, depending on all the circumstances, including the pupil's degree of involvement and at the sole discretion of *the Head* after consultation with the Board of Directors may include a suspension.

1.23 Drug testing

As an alternative to expulsion **in cases which do not** involve supply or encouragement to others to use illegal drugs, *the Head* at his sole discretion (and after consultation with the Board of Directors) may permit the pupil to remain at School subject to a regime of testing without suspicion at intervals during the following two years. Drug testing will not take place during any period of external examinations.

Both parents and pupils to whom the regime is offered would be required to sign consent forms describing the way in which the regime would operate. A pupil testing positive to illegal drugs while on this regime would be expelled immediately. All records of drug testing will not be used for any other purpose and will be destroyed when the pupil concerned leaves the School.

1.24 Review procedure

A decision to expel or require a pupil to leave will be subject to review by the Directors upon written request made by the parents in accordance with the Review Procedure. [Appendix A]

1.21 Monitoring

This policy will be reviewed:

- Following any serious incident involving pupils and drugs
- Following the issue of any new guidance from the Department for Education (DfE)
- In any event, every three years

APPENDIX A
Information for parents regarding expulsion procedure

From our Behaviour Policy

1. Expulsion from the School may happen on occasions for very serious misbehaviour or drugs related activity.

2. The School Policy provides clearly:

   'The Head shall have the power in his discretion to suspend or expel any pupil and in the event of expulsion shall invite and give due consideration to representations from the Parents of such pupil and consult the Chairman of the Board of Directors (or, if unavailable, a member of the Board) before reaching a final decision.'

3. *The Head* shall inform the Parents, in writing, of his intention if he is considering expulsion.

4. An opportunity for Parents to make representation to the Directors in writing or verbally via interview will be offered. Parents may, if they wish, be accompanied by a friend when making their representation. *The Chairman*, plus at least one other *Director,* and an outside Observer to ensure fairness shall consider the views given by the Parents, pupil, and their friend/representative.

5. Efforts will be made to complete the procedures within ten working days in the interests of all parties concerned.

6. If the Parents wish to make representation in writing and not attend a meeting, the Directors shall make whatever enquiries and arrangements they feel necessary before offering their advice to *the Head*.

7. *The Head* will attend the meeting to clarify any points on School Policy and listen to the comments made by persons present.

APPENDIX B
Drug test protocol

- The specific protocol for onsite tests will vary with the specific test to be administered
- The protocol for on the onsite testing of pupils is available on request and will be automatically shared with parents and pupils prior to any testing, so that all parties can feel confident in the integrity of the process