

Misuse of Drugs Policy

Policy Code:	SW3
Policy Start Date:	September 2020
Policy Review Date:	September 2022

Please read this policy in conjunction with the policies listed below:

- HR6 Data Protection Policy
- HS1 No Smoking Policy
- HS2 Medical Treatment Policy
- SW4 Student Behaviour and Discipline Policy
- SW5 Safeguarding and Child Protection Policy

1 Policy Statement

- 1.1 This policy outlines the manner in which instances of drug misuse on Trust premises or whilst on Academy trips/visits will be managed. It relates to Section 91 of the *Education and Inspections Act 2006*; DfE and ACPO *drug advice for schools 2012*; DfE *Searching, Screening and Confiscation: Advice for Schools 2018*; *The Misuse of Drugs Act 1971*; and Lincolnshire Safeguarding Children Partnership's Model Drugs Policy.
- 1.2 This policy does not focus on drug education. It covers broader behaviour and pastoral support, as well as managing drugs and drug-related incidents within the Trust's academies.
- 1.3 References to the Trust or Academy within this policy specifically include all primary, secondary and special academies within the Trust, as well as the Early Years setting at the Priory Witham Academy, Priory Training, Priory Apprenticeships, Lincolnshire Teaching School Alliance and Lincolnshire Teaching School Alliance SCITT.
- 1.4 This policy does not form part of any member of staff's contract of employment and it may be amended at any time.
- 1.5 The Trust is committed to leading a mentally healthy organisation, which includes a commitment to and promotion of emotional wellbeing and mental health. Therefore, all Trust policies and procedures ensure this commitment is incorporated in order to support all staff and students. Members of staff are encouraged to speak to their line managers, and students are encouraged to speak to any member of staff, if they feel any part of this policy would affect their emotional wellbeing and mental health. Any such comments should be passed to the Trust's HR department (via FederationHR@prioryacademies.co.uk) for appropriate consideration at the next available point in the policy review cycle.

2 Roles, Responsibility and Implementation

- 2.1 The Education and Standards Committee has overall responsibility for the effective operation of this policy and for ensuring compliance with the relevant statutory framework. This committee delegates day-to-day responsibility for operating the policy and ensuring its maintenance and review to the Director of Student Welfare.
- 2.2 Leaders and Managers have a specific responsibility to ensure the fair application of this policy and all employee are responsible for supporting colleagues and ensuring its success.

3 Aims

-
- 3.1 To protect the health and welfare of students.
 - 3.2 To clarify legal responsibilities and promote understanding of the relevant powers and duties in relation to searching for and confiscating drugs.
 - 3.3 To support all members of the Trust community by providing clear guidance and procedures on drug related incidents to ensure clarity and consistency.

4 Definitions

- 4.1 The definition of drugs used in this policy is the definition given by the United Nations Office on Drugs and Crime – ‘a substance people take to change the way they feel, think or behave.’

This refers to:

- Legal drugs, including alcohol, tobacco, e-cigarettes, volatile substances (solvents), poppers and psychoactive drugs (“Legal Highs”)
- Misuse of over the counter and prescription medicines
- Illegal drugs (those controlled by the Misuse of Drugs Act 1971)
- Any other drugs such as anabolic steroids

- 4.2 Throughout this policy the term ‘drugs’ is used to refer to all of the above.

5 Legislation

- 5.1 Under the *Misuse of Drugs Act 1971*, it is generally illegal to possess or supply a drug covered by the Act, unless authorised (e.g. possessing drugs prescribed for personal medical use). Solvents are dangerous substances as well. Under the *Intoxicating Substances (Supply) Act 1965*, it is illegal for anyone to supply or offer to supply a substance if they know or believe that the substance being supplied will be inhaled by a person under 18 for the purpose of intoxication.

6 Drugs Misuse Outside Of School/Academy Premises

- 6.1 Where it has been brought to the attention of the Headteacher or CEO that a student has been formally cautioned by the police for the possession of an illegal drug, the Academy reserves the right to take disciplinary action, e.g. a fixed-term exclusion.

7 Searching and confiscation

- 7.1 In line with the DfE guidance *Searching, screening and confiscation 2018* the Headteacher and authorised staff can search students with their consent for any item. The Academy is not required to have formal

written consent from the student for this sort of search – it is enough for the teacher to ask the student to turn out his or her pockets or if the teacher can look in the student’s bag or locker and for the student to agree. *Searching, screening and confiscation* also permits the Headteacher and authorised staff to search students without consent for banned items. Please see SW4 Student Behaviour and Discipline Policy for the list of banned items.

- 7.2 Academies’ 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 students’ property as a disciplinary penalty, where reasonable to do so.
- 7.3 Academies may search students and there is no legal requirement to inform parents/carers or keep records. However, The Trust requires any member of staff undertaking searches to keep records and inform parents/carers.

8 Procedures when a student is found to be in possession of a drug

- 8.1 If any student is found in possession of a suspicious substance, it will be taken from them. The substance will then be taken immediately to the member of the Senior Leadership Team (SLT) in the Academy responsible for student welfare (or a member of SLT if the Behaviour and Safety Lead is not available). The Headteacher will also be informed.
- 8.2 If a student is suspected of being under the influence of drugs or alcohol on Academy premises, the school must prioritise the safety of the young person and those around them. If necessary it should be dealt with as a medical emergency, administering First Aid and summoning appropriate support. Depending on the circumstances, parents/carers or the police may need to be contacted. The Academy Designated Safeguarding Lead (DSL) must be contacted immediately.
- 8.3 When appropriate, the student will be interviewed by a Senior Leader. The police may be consulted concerning the nature of the substance. Where substances which are not believed to be controlled drugs are found these can be confiscated if 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.
If it is a controlled drug, the student will be removed from timetable immediately and their parents/carers informed. If necessary, the Senior Leader will contact the police. The drug may be handed over to the police who may prosecute the student.
- 8.4 A senior member of staff who is responsible for student welfare should liaise with the police and agree a shared approach to dealing with drug-

related incidents. Where necessary, a multi-agency response may be needed in order to safeguard the child and others.

9 Controlled drugs

9.1 In taking temporary possession and disposing of *suspected* or known controlled drugs, schools are advised to:

- 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, note down 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 student 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 has been agreed with the Headteacher that this is not in the best interests of the student;
- identify any safeguarding concerns and develop a support and disciplinary response.

10 Drug Testing

10.1 Where there is concern about a student regarding the misuse of drugs, it is possible, with the consent of the relevant student and parents/carers, for drug testing to take place. This decision can only be taken by the Headteacher of the relevant Academy.

11 Exploitation

11.1 Academy staff should be alert to the possibility that a student found in possession of/using/buying/supplying drugs may be at risk from/there may be links to child criminal exploitation (county lines). It is important, therefore, that the Academy DSL is always involved in any incident involving drugs. Please see SW5 Safeguarding and Child Protection Policy.

12 Discipline

12.1 Being under the Academies' authority means:

- Throughout the Academy day, whether on or off the premises.
- Whenever the student is involved in any activity organised by the Academy.
- Whenever the student is identifiable as a member of the Academy.

-
- 12.2 Any response to drug-related incidents needs to balance the needs of the individual students concerned with the wider Academy community. In deciding what action to take, Academies should follow The Trust's disciplinary procedures, the Academy rules and Local Authority guidance.
- 12.3 Any student involved in any way with drugs when they are under the Academies' authority could expect to be excluded from an Academy. Each case will be looked at individually and any specific circumstances taken into account.
- 12.4 Exclusion should not be the automatic response to a drug incident and permanent exclusion should only be used in serious cases. (More detail on excluding students can be found in the DfE *Exclusion from maintained schools, academies and pupil referral units in England 2017*. In line with the approach taken by Lincolnshire Local Authority, a restorative approach may be endorsed.
- 12.5 Drug use can be a symptom of other problems and Academies should be ready to involve or refer student to other services when needed. It is important that Academies are aware of the relevant youth and family support services available in their local area.
- 12.6 Each Academy will provide information on sources of advice and local services for students and parents/carers.

13 Managing medicines

- 13.1 Some students may require medicines that have been prescribed for their medical condition during the school day. For more information and procedures please refer to HS2 Medical Treatment Policy.

14 Staff Support and Training

- 14.1 Each Academy's safeguarding team will receive training on drugs and responding to issues of misuse as part of their training pathway. All staff will undertake training as and when necessary.

15 Educational programme

- 15.1 The Trust has a pro-active approach concerning the use of drugs and substances including alcohol and tobacco. This is expressed in assemblies, tutor periods, science lessons, RE classes and the Personal Development Programme. Each Academies drug education curriculum is part of a well-planned programme of PSHE education delivered in a supportive environment, where students are aware of the academy rules, feel able to engage in open discussion and feel confident about asking for help if necessary

15.2 In science lessons, The Trust ensures that Academies follow the National Curriculum Science programme of study concerning drug education.

15.3 Any educational programme will be designed to strengthen the students' ability to assess and manage risk appropriately and to keep themselves safe.

16 Governors

16.1 Through local governing body meetings and link meetings governors will have access to appropriate training. They will be informed by a Senior Leader if there are any drugs issues which might affect the academy.

16.2 The governor linked to safeguarding will be the lead governor on drugs issues.

17 Policy change

17.1 This policy may only be amended or withdrawn by The Priory Federation of Academies Trust.

The Priory Federation of Academies Trust Misuse of Drugs Policy

This Policy has been approved by the Education and Standards Committee:

Signed..... Name..... Date:

Trustee

Signed..... Name..... Date:

Chief Executive Officer

Signed..... Name..... Date:

Designated Member of Staff

Please note that a signed copy of this agreement is available via Human Resources.