



# SIR THOMAS RICH'S

## Anti-Drugs Policy

This Policy was drawn up in accordance with the DfE & ACPO Drug Advice for Schools (2012) and following the 1996 and 2002 Education Acts and the Education and Inspections Act 2006.

**Last reviewed:** March 2021

**Status:** Non-statutory

**Responsibility:** This policy will be reviewed by Governors regularly, as part of their system of reviewing School Policies.

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## 1. Introduction

The School does not condone the misuse of drugs and alcohol by pupils and staff, nor the illegal supply of these substances. Pupils and staff should not bring drugs on to the School's premises.

The School acknowledges the importance of its pastoral role in the welfare of young people, and will seek to offer guidance and professional help as the preferred options to disciplinary measures when involvement with drugs is suspected and when a member of staff or a pupil is deemed to have made inappropriate choices about their conduct.

The School is committed to the health and safety of its pupils and staff and will take action to safeguard their well-being.

The School actively co-operates with external agencies such as the police and health and drug agencies to deliver its commitment to drugs education and to deal with incidents of substance misuse.

For the purposes of this policy, the term 'drug' is taken to mean controlled drugs, non-prescribed medicines, volatile substances and all illegal substances whether classed as hard or soft drugs. This policy will also cover misuse of other substances including novel psychoactive substances or 'legal highs'.

## 2. Drug Education

The aims of drug education are:

- to provide accurate information;
- to increase understanding about the implications and possible consequences of use and misuse;
- to create an environment where pupils feel able to discuss drug-related issues;
- to minimise the risks that users and potential users face;
- to encourage understanding about related health and wider social issues;
- to enable pupils to identify sources of appropriate personal support;
- to enable informed choice.

Drug education is delivered primarily through PSHE lessons but also across the curriculum. This programme is designed to:

- encourage pupils to gain an understanding of drugs and medicines and their role in modern society;
- dispel myths by providing clear and accurate information;
- allow pupils to explore and challenge their own and others' values and attitudes to drug use;
- have opportunities to practise and develop their skills which enable them to make healthy and informed choices now and in later life.

Further details may be found in the PSHE schemes of work.

More information can be obtained via the FRANK service, NHS Smoking Services for and Drinkaware. Heads of Year can also offer advice and 'help pages' are available to students and parents on the website and 'SharePoint'.

### **3. Procedures**

If there is any evidence or suspicion that there is unauthorised pupil involvement with legal or illegal drugs (possession, using, supplying or intending to supply), then further investigation may be necessary. Responsibility for initiating any further investigations rests with the Headmaster, who may delegate the investigation to a senior member of staff.

Every effort will be made to ensure that investigations are conducted fairly and with as much openness towards the affected pupil as the circumstances may reasonably allow. In such cases, careful written records will be made by the Headmaster or a member of the SMT investigating. The Headmaster will be kept fully informed;

#### **Searching and Confiscation**

When searching for, or taking temporary possession and disposing of, *suspected* controlled drugs, the School aims to:

- ensure that a second 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;
- consider notifying the police, who will advise of further action. *The law does not require a school to divulge to the police the name of the pupil from whom the drugs were taken;*
- record full details of the incident, including the police incident reference number, if necessary;

The following must also be borne in mind:

- 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;
- There is no legal requirement to inform the pupil's parents or carers if alcohol, illegal drugs or potentially harmful substances are found after a search has been conducted.
- 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 it is reasonable to do so;
- Any substance suspected of being a drug may be confiscated. Should staff come into possession of an illicit substance, with a view to ensuring its disposal, they have a legal exemption as an appropriate adult under section 5 of The Misuse of Drugs Act to do so without compromising their position (see Appendix 1 for further information).

## 4. Sanctions

The disciplinary procedures, stated below, are consequent upon a drug-related incident involving pupils on school property or during a school-related offsite activity. For drug related incidents involving staff, please refer to the School's Staff Disciplinary policy.

Exclusion will not be the automatic response to a drug incident and permanent exclusion will only be used in the most serious cases. Every attempt will be made to support each pupil educationally and personally at a level appropriate to their needs.

It would normally be the case that a pupil would not be excluded for an isolated or first offence. It would normally be the case that a pupil would be excluded only if there has been a serious breach of the School's Behaviour and Discipline policy *and* after a range of alternative strategies, such as pastoral support programmes (PSP), have been tried and failed. However, a pupil may be excluded permanently, even for an isolated incident such as:

- supplying or selling drugs to other pupils on school premises or during a school-related offsite activity;
- acting as a go-between in the sale and purchase of drugs on school premises or during a school-related offsite activity;

because the breach of the School's standards is deemed to be so serious that allowing the pupil to remain in the School might seriously harm the education, safety and welfare of others. In such circumstances previous strategies to foster appropriate and responsible behaviour through the PSHE curriculum, the use of external agencies, the Home School Agreement, and behaviour management will be deemed to have been tried and failed and a PSP will not be appropriate.

- a) **If the drug is not illegal** (e.g. tobacco, alcohol, electronic cigarette/ 'vape', e-liquid, volatile substance, psychoactive substance): Any pupil or pupils found in possession of, or using, or supplying, or intending to supply a drug, on school premises or during a school-related offsite activity, which is not of itself illegal, can expect a sanction or sanctions to be applied (for further information, please refer to the School's Behaviour and Discipline policy and the School's Exclusion policy). The sanction(s) will depend upon the circumstances of the incident. Factors which may be taken into consideration could include: the age of the pupil; whether this was the first offence; the period of time since the last offence; the number of previous offences; behaviour record.  
Parents may be informed. The police may also be informed, if there are concerns about possible under-age purchase where lower-age limit restrictions apply to shopkeepers.
- b) **If the drug is illegal:** Any pupil or pupils found in possession of, or using, or supplying, or intending to supply a drug that is illegal on school premises or during a school-related offsite activity, can expect a sanction or sanctions to be applied. For further information, please refer to the School's Behaviour and Discipline policy and the School's Exclusion policy.

## 5. Confidentiality

The possession use and/or supply of illegal drugs will be of immediate concern to staff. It is important that any action taken is done so in the best interests of the pupils concerned, the whole school and the wider community. The School may maintain confidentiality and is not obliged, in law, to take any action in the following circumstances:

- being told that a young person has used an illegal drug;
- observing possession or use of illegal drugs outside the school day or off the school premises.

There is no general legal duty for staff to disclose information about pupil involvement with drugs to colleagues, parents or carers, social care or the police. *Staff are contractually obliged to disclose information about physical or sexual abuse in line with Gloucestershire County Council Child Safeguarding procedures. Failure to do so could result in being disciplined but the same situation does not apply to informing a third party about drug use in itself.*

In law, a 16-year-old has rights to confidentiality but this also applies to under 16s who are of a mature nature. In reality, few young people aged under 16 years old, who are experiencing significant drug-related problems, expect absolute confidentiality from staff. Even where they initially ask for absolute confidentiality they can often be persuaded that information should be passed on to another staff member, a parent/carer or someone else if they realise that doing so will clearly help them.

In rare cases where information is received about drug use that a pupil wishes to be kept confidential and staff are unsure whether or not a third party should be informed the following questions should be addressed:

- Why is breaking of confidentiality being considered?
- How serious is the situation?
- How old and mature is the pupil concerned?
- What immediate and significant risks does the pupil (or other people) face?
- Are other agencies already working with the young person?
- Has the young person already told other people about their situation?
- Who might information be passed to and what might they be told?
- How might informing the third party reduce the risks involved to the pupil (or other people)?
- What significant harm (to the pupil, yourself or other people) could result from NOT breaking their confidence?
- What implications - both positive and negative - could breaking confidentiality have?

If after considering these issues staff are clear that someone else should be informed they should explain this to the pupil involved and wherever possible encourage the pupil to be involved in informing the third party.

All drug-related incidents on school property will be handled by the 'designated member' of the Senior Management Team (in this case, the Headmaster, who may delegate responsibility to a senior member of staff). Information brought to the attention of staff about a pupil's substance abuse outside the School should also be reported to the Headmaster or a member of the SMT.

Where a pupil offers to give information concerning drugs, before embarking on details, the teacher should explain to the pupil that it may not be possible for the matter being discussed to remain confidential, e.g. it may result in contact being made with the police.

## **6. Disclosure**

In the event of a pupil disclosing drug related issues, a Drug Advisor may be contacted in order for the appropriate support services to be accessed.

Through the pastoral system, the School will endeavour to support a pupil that discloses a drug related issue.

## **7. Pupil Records**

Information in a pupil's file in connection with drugs-related offences may be kept for a minimum of 6 years and should then be destroyed.

## **Appendix 1: The Law on Drugs**

### **MISUSE OF DRUGS ACT 1971**

All prohibited substances are controlled through the Misuse of Drugs Act 1971 (MDA'71). When working with young people who may be at risk from drugs it is vital that all staff and young people are aware of the constraints placed upon them through this legislation.

#### **Classification**

All drugs controlled by the Misuse of Drugs Act are put into one of three classes A, B or C. Class A are seen as the most harmful and carry the highest penalties, but all classes carry with them the potential for a custodial sentence.

#### **Class A Drugs**

Include: Heroin, Cocaine, LSD and Ecstasy.

#### **Class B Drug**

Include: Amphetamines, DF118 (pain killers), cannabis resin and herbal cannabis.

Note: Any class B drug prepared for injection automatically becomes a class A.

#### **Class C Drugs**

Include: Steroids, tranquilizers and GHB.

Note: The reclassification of cannabis has resulted in it now being a class C substance. However, it is important to clearly communicate the fact that what changes have been made only apply, to any significant degree, to those aged 18 and over. Also, the provision for arrest remains in force for anyone suspected to be in possession while in the vicinity of a school or youth facility

### **SECTION 8 – MISUSE OF DRUGS ACT**

Relates to 'Occupier or concerned in the management of premises' In other words anyone who has responsibility for management of buildings, and or control of premises – which includes, all grounds, mini bus, boats etc.

#### **Section 8 covers**

- Drugs which are covered by the Misuse of Drugs Act, the Class and Schedule of each drug.
- What is meant by premises
- What is meant by 'Knowingly'
- Actual Knowledge
- Knowledge of circumstance
- What is meant by 'permits and suffers'

It also identifies Implications and Good Practice.

#### **Prohibited Activities;**

- a. Producing or attempting to produce a controlled drug
- b. Supplying or attempting to supply a controlled drug to another .... Or offering to supply a controlled drug to another.
- c. Preparing opium for smoking
- d. Smoking cannabis resin or prepared opium.

## **POSSESSION AND DISPOSAL**

Should staff come into possession of an illicit substance, with a view to ensuring its disposal; staff have a legal exemption as an appropriate adult under section 5 of The Misuse of Drugs Act to do so without compromising their position.

If on a residential trip and the Headmaster is not present, the following procedure should be adhered to:

- The most senior teacher on the trip, or teacher responsible for the trip, should be informed.
- The pupil in possession of the substance will have it removed.

Staff will aim to act promptly to avoid any suggestion of the drugs being held for personal use.

### **1. Possession.**

It is an offence if:

- an individual knows they are in possession of a controlled substance;
- where someone leaves their drugs at home when going out, they are still in possession if those drugs are found and reported.

NOTE: Where someone is drug tested and it shows positive, this cannot be used as evidence of possession.

### **2. Supply & Intent to Supply.**

It is an offence to supply or intend to supply a controlled drug to another. In order for a charge of supply to be considered money does not have to change hands.

A charge of supply will often be considered where a person is in possession of a quantity or purity considered to be beyond the need of an individual user.