

Misuse of Drugs and Substances Policy

Ellesmere College



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1. Introduction

1.1 **Scope:** This policy has been authorised by the Head and is available to parents and pupils on request. The policy relates to the misuse of controlled drugs (including New Psychoactive Substances – NPS) and other substances and applies to all pupils at Ellesmere College irrespective of their age. The policy may also apply at times when a pupil is not in the care of the College. The procedures and sanctions may be adapted as appropriate to meet the policy aims and the circumstances of each case. Certain of the procedures can only be carried out during term time.

1.2 **Drugs and substances:** means controlled drugs (including NPS which were referred to as “legal highs”) and the paraphernalia of drugs or substances intended to resemble drugs, or "legal" drugs which can be obtained from a chemist shop, performance enhancing drugs, anabolic steroids, glue and other substances held or supplied in each case for purposes of misuse. This policy covers the possession, use and supply of such substances.

1.2.1 **Prohibited Items:** The expression “controlled drug” means any substance or product for the time being specified in Section 2 of the Misuse of Drugs Act 1971 or subject to the Psychoactive Substances Act 2016.

1.2.2 Offences under the Misuse of Drugs Act 1971 include:

- Possession
- Possession with intent to supply
- Supplying
- Supplying or offering to supply drug paraphernalia

2. Policy Aims

2.1 To promote safety, welfare and good physical and mental health.

2.2 To keep drugs out of the College.

2.3 To obey the law with regards to illegal drug use.

2.4 To outline the possible consequences of abusing the College’s rules on drugs.

3. Education

3.1 We educate pupils to understand the effect and risks associated with drugs in relation to their health and well-being and the law and that the use of illegal drugs 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. We educate by means of personal development courses, by example and by discussion.

3.2 Drug Education will be taught during Science lessons, general studies, PSHE days, tutor periods and other relevant lessons in a manner appropriate to the pupil’s level of understanding:

3.3 To enable pupils to make healthy, informed decisions by increasing knowledge, understanding, challenging attitudes and developing communication and social skills.

3.4 To provide accurate and age appropriate information about drugs (be they positive or

negative), associated with health risks and the law.

4. Pastoral care

- 4.1 We encourage pupils to discuss in confidence any anxieties they may have about use of drugs and substance abuse with a member of staff or the school counsellor. Matters brought into counselling by a pupil or his / her parents, in circumstances which are genuine, will be "ring-fenced" from disciplinary sanctions, but a pupil who contravenes this policy will face disciplinary sanctions.

5. College Rules

- 5.1 The Rules forbid a pupil from:
- 5.1.1 Any possession, use or supply of drugs and substances.
 - 5.1.2 Bringing the College into disrepute for any reason associated with drugs and substances, whether or not the pupil is in the care of the College at the time. Action will be taken when the welfare of any member of the College community or the reputation of the College is affected.
- 5.2 **Detection:** Every complaint, report, or observation in relation to the involvement with drugs and substances will be followed up and investigated. A pupil suspected of such involvement may be suspended pending the outcome of an investigation.
- 5.3 **Sanctions: Anyone supplying drugs must expect to be expelled immediately even if he / she is about to sit public examinations.**
- 5.3.1 In exceptional cases, a period of suspension from school followed by a testing regime (see Appendix 2) may be offered as an alternative to expulsion. The Head is not obliged to offer such an option.
- 5.4 **Sanctions for possession or use:** Anyone possessing or using drugs must also expect to be expelled.
- 5.4.1 In exceptional cases, a period of suspension from school followed by a testing regime (see Appendix 2) may be offered as an alternative to expulsion. The Head is not obliged to offer such an option.
- 5.5 **Staff Training:** Relevant staff will be trained on how to recognise and manage issues involving drugs and substance misuse.
- 5.6 **Parents:** If Parents attending College premises appear to be under the influence of drugs or substances, they will be asked to leave and the member of staff making the request should refer the matter to the College's Designated Person for child protection. If a member of staff suspects that a parent has driven or will drive whilst under the influence of drugs, the member of staff should report the matter to the Designated Person or a member of the senior management team who may telephone the police. If the Designated Person reasonably believes that a child is at immediate risk of harm from a parent who is under the influence of drugs, the child will not be released into the care of the parent and the College's child protection procedures will be followed.

6. Searches for drugs and substances

- 6.1 **Searches with consent:** College staff can search pupils for drugs or substances with their

consent. The member of staff will consider the pupil's age and other factors when determining whether the pupil is capable of giving his / her consent.

- 6.2 **Searches without consent:** The Head and staff authorised by the Head may search a pupil or a pupil's possessions without their consent where they have reasonable grounds for suspecting that a pupil has drugs or substances in their possession. See the College's Behaviour and Discipline Policy (Appendix 3) on searching and confiscation.
- 6.3 **Police involvement:** If the College seizes a controlled drug, the drug may be destroyed if there is good reason to do so. Otherwise the College will deliver it to the police as soon as reasonably practicable. In all other cases, the College 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 College to investigate.

7. Testing

- 7.1 Testing may be because a pupil is suspected of involvement with drugs or substances abuse or just a random test. The reason for this policy is:
- 7.1.1 To deter breaches of College discipline;
 - 7.1.2 To identify users;
 - 7.1.3 To absolve those who have been wrongly suspected.
 - 7.1.4 To keep drugs out of the College.
- 7.2 Reason to suspect the use of drugs or substances may arise as a result of information or a complaint received or because of a pupil's behaviour or demeanour. This may lead to a particular pupil being tested or a random number of pupils.
- 7.3 **Informed consent:** The relevant consent to a test is that of the pupil rather than the parents, even if the pupil is under 16 years of age, provided he / she is of sufficient maturity and understanding and gives his / her informed consent in writing. The member of staff leading the investigation 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.
- 7.4 **Notifying parents:** Reasonable endeavours will be made to notify a parent, guardian or education guardian of the requirement for a urine sample and the reasons for that requirement. It may not always be possible to do this before the event.
- 7.5 **Drugs and substances:** See Appendix 1 for details of the testing procedure for drugs and substances.
- 7.6 **Refusal:** If a pupil refuses to provide a biological sample he / she will be asked to say why he / she has refused. The College will be entitled to draw inferences from his / her response and general demeanour. If a parent's consent is required and they refuse to consent to their child providing a biological sample, the College may draw inferences from the pupil's general demeanour.
- 7.7 **Confidentiality and data protection:** Sensitive personal information about pupils is disclosed only on a "need to know" basis with careful attention to pupils' rights and needs.

8. Subsequent action

- 8.1 **Procedure:** The College will treat a positive test, although not infallible, as evidence that the pupil has been using drugs or substances, as appropriate. Where there is a positive test, or where the pupil refuses to provide a sample to be tested, a meeting will be arranged at which:
- 8.1.1 The pupil will be asked to attend a meeting with the Head (or, in his / her absence, the Deputy Head with his / her parents or a member of the College staff chosen by him / her to assist him / her.
 - 8.1.2 All relevant evidence, including the positive test result where applicable, will be put to the pupil and he / she will be invited to respond.
 - 8.1.3 His / her response will be heard and considered and further enquiries will be made if necessary.
- 8.2 When the investigation has been concluded, outside of the meeting if necessary, the Head will, on the civil standard of proof, namely, the "balance of probabilities", make a finding of fact based on the evidence and supported by reasons in accordance with the College's disciplinary policy.
- 8.3 **Sanction:** If the Head's decision after considering all the material evidence is that the pupil has been using drugs or substances (as applicable), at the meeting or a later meeting if further investigation was necessary, the Head will consult the Principals and outline the range of sanctions he / she is considering, hear mitigating circumstances and consider the pupil's academic and disciplinary record and the extent to which he / she has co-operated, before deciding on the sanction.
- 8.4 **Review:** If the pupil is Expelled or Removed, he / she and his / her parents have the right to request a Review of the decision in accordance with the College's Exclusions Policy.
- 8.5 **Payment:** The College will pass on to the parents the cost of a test that returns a positive outcome.
- 8.5.1 Parents will not be charged for a test that is negative unless it forms part of a "Testing Regime" put in place.

9. Monitoring

- 9.1 This policy will be reviewed every 3 years or following the issue of any new guidance from the Department of Education or ISI.
- 9.2 The review will be carried out the Deputy Head Pastoral and recommendation sent to the Head for authorization.

Authorised by	The Head
Date	October 2022

Reviewed by	DHP
Date	October 2022

Effective date of the policy	October 2022
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Appendix 1 Testing for drugs

- 1 **Biological Sample:** If, outside the context of confidential counselling, there is reason to suspect that a pupil has been involved with drugs or substances, he / she may be asked to supply, under appropriate supervision, a urine and or a saliva sample for analysis.
 - 1.1 **Testing procedures:** These will be in accordance with standard good practice, as recommended by the laboratory providing the test kit.
 - 1.2 Care will be taken to make as certain as possible that the sample provided is genuine and uncontaminated.

- 2 **Saliva sample:**
 - 2.1 A saliva sample may be taken where very recent drug use is deemed to have taken place.
 - 2.1.1 This can give a quick and immediate result.
 - 2.1.2 This can help with identifying the drug in order to best care for the pupil.
 - 2.2 The swab will be wiped around the oral cavity to collect oral fluid, which can take at least 2 minutes.
 - 2.3 The result can be read within 10 minutes.
 - 2.4 Regardless of the result a urine test may also be taken.

- 3 **Urine Sample:**
 - 3.1 The urine sample will be poured into two clean sample bottles which will be sealed and labelled immediately in the pupil's presence. The bottles will then be placed in an appropriate envelope.
 - 3.2 The supervisor will organise the paperwork. The donor will also be asked to sign various seals and documents which confirm that the specimens are his/hers. The donor will also be asked to sign a form which signifies that she/he has been satisfied with the collection procedure and gives consent for the results of the test being made available to the head. (Appendix 3)
 - 3.3 The forms and samples will then be sent immediately and securely to the testing agency currently used by the College (details of the testing agency will be provided to the pupil, and are available on request). Where it is not possible to post samples immediately and it is necessary for them to be kept overnight, samples will be appropriately and securely refrigerated.

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

- 4 **Outcome:** When the College receives the laboratory report:
 - 4.1 Reasonable attempts will be made to notify a parent by telephone.
 - 4.2 If the result is negative, the second sample will be destroyed immediately.
 - 4.3 If the result is positive, the second sample will be made available for independent analysis.

Appendix 2 Testing regime

Full name of pupil		
Date		
Pupil's date of birth		
Age now		
1	I have made a voluntary admission of having used a controlled drug or substance in breach of the College's policy and disciplinary rules.	
2	As an alternative to expulsion, the school have offered me a testing regime under which:	
2.1	For the remainder of this term and the next three College terms, without obligation on the part of the College, I may at any time be asked to provide a urine sample under appropriate supervision for analysis in accordance with the procedures described in the attached policy which I have read and understood;	
2.2	I understand that I may be asked to provide a urine sample at any reasonable time even if no grounds exist at that time to suspect that I have been involved with drugs or substances.	
2.3	No prior warning will be given as to when the test will take place. I agree to be subject to this regime and to co-operate with the College in every respect. I understand that the College will take all reasonable care to preserve my confidentiality and human rights in the operation of this regime.	
4	I also understand that if without good reason I fail to co-operate with this regime or if a test proves positive I would almost certainly be required to leave the College.	
Pupil signature:		
5	Declaration of parents / guardian / education guardian	
5.1	I / We the undersigned have read the College's Policy on the Misuse of Drugs and Substances, and this Appendix. For my / our part, I / we accept the Head's offer of a testing regime for the above-named pupil, as described above.	
5.2	I / We undertake to co-operate with the regime in all respects and to pay the laboratory charges for each test which I / we understand to be less than £120.00 inc VAT per test.	
Signed		Date:
Full name		
Relationship to pupil		

Appendix 3 Testing regime consent

Full name of pupil	
Date	
Pupil's date of birth	
Age now	
1 I consent to give a urine sample that will be used to test for Drugs or Substances. 2 I give consent for the results of the test being made available to the Head or his nominated deputy.	
Pupil signature:	
3 I confirm that I am satisfied with the collection procedure.	
Pupil signature:	