

The Calder Learning Trust Banned Items including Drugs Policy and Procedures 2021

Last reviewed on: November 2021

Next review due by: November 2023

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). The policy also includes disposable and rechargeable vapes.

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.

2. Purpose of Policy

2.1 The purpose of the Trust's Drugs Policy is to:

- Clarify the Trust's approach to drugs for all staff, students /pupils, 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 Trust 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. Co-ordination & Dissemination of Policy

The Trust has appointed Mr Kenworthy; Assistant Headteacher, to be responsible for the following duties regarding the drugs policy:

- Co-ordinating the review and/or implementation of the Trust'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
- Co-ordinating drugs education programmes, for example the content of Primary and secondary phases in PSHE lessons
- Providing in-house support for both staff and young people wishing to discuss concerns
- Ensuring that all staff will refer young people seeking advice, information or help to them

- Facilitating the monitoring and review of the drugs policy when deemed necessary and at least once a year
- Publicising elements of the drugs policy via posters and leaflets.

4. Drug Education

4.1 The Trust recognises its duty to promote children and young people's wellbeing and is also required to promote student/pupils' spiritual, moral, social and cultural development¹. As part of this The Trust has a responsibility to help young people manage risk, reducing the likelihood they may be harmed by use of legal and illegal drugs.

The Department for Education (DfE)'s statutory guidance for Health Education at primary phase requires that pupils be taught the facts and risks associated with drug, alcohol and tobacco use. At key stages 3 and 4 this extends to the facts, laws, risks and consequences associated with drug, alcohol and tobacco use and the dangers of drugs that are prescribed, but still present serious health risks. It also considers the benefits of smoking cessation and how to access support in relation to this¹. Alongside the statutory requirements, teaching about how to manage social influence, pressure and risk is vital in promoting pupils' ability to navigate the situations in which they may encounter substances. It also contributes to safeguarding, by providing pupils with the knowledge, understanding, attributes, skills and strategies to keep themselves healthy and safe. Teaching about drugs and alcohol is integrated within our planned PSHE education curriculum.

All children and young people have a right to effective drug and alcohol education that not only teaches them the facts about substances and their effects but also equips them with the skills, strategies and attributes to manage their lives in a substance-using society. For some children and young people this might mean the additional challenge of balancing religious or cultural beliefs or expectations that prohibit drug and alcohol use with different societal norms and influences. All PSHE education teaching should be inclusive and accessible for all.

4.2 The aims of The Trust'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
- c) Enable young people to explore their own and other peoples' attitudes towards drugs, drug use, and users.

At Key Stages 1 and 2

Pupils build age-appropriate foundational skills and underpinning knowledge including:

- **Safety rules at home for medicines and household products**, including what medicines and vaccinations are and how they help to keep people healthy
- **The risks and effects** of using tobacco, alcohol and other drugs
- **Managing pressure and influences** including that from peers and the media
- **How to seek help and support** for themselves or others in relation to health and/or substances

At Key Stages 3 and 4

Students build age-appropriate foundational skills and underpinning knowledge including:

- **The risks and effects of a range of substances** including alcohol, tobacco and other drugs
- **Attitudes towards the use of alcohol and other drugs**, including positive social norms that highlight the low rates of use
- **About the law in relation to alcohol and other drugs**, including longer term impacts of drug-related charges
- **How to assess and manage risk and decision-making** in relation to alcohol and other drugs
- **How to manage pressure, influence and seek support** for themselves or others in relation to alcohol and other drugs

4.3 **Inviting External Agencies:**

4.4 The Trust recognises that student/pupils often find visitors to Trust 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 Trust 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 that they have seen and understood the Trust'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 Trust
- 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 student/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 Trusts*, (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 Trust 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 and the following procedures will apply (See also Appendix 1: the flowchart for 'Managing Drug Incidents'):

Please bear in mind that some students may have additional needs. This could affect the way in which they react to situations. Reasonable adjustments should be made if the student has additional needs. Procedures should be explained to any SEN student using pictorial instructions if necessary. Each individual step needs to be explained, using simple and direct language, before it is carried out. Students on the Autistic Spectrum may dislike any touch or physical contact, especially in a tense environment and as such this could trigger or escalate any behaviour issues. If in doubt of how to deal with an SEN student contact the appropriate SENCO or professional organisation.

5.2.1 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 local substance misuse service, Branching Out. If the Trust is aware that 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.

5.2.2 Suspected Possession of Alcohol or Drugs (inc vapes and THC liquid)

If a member of staff suspects that **a student is in possession of alcohol, drugs nicotine products** he/she will inform a senior member of staff (SLT). The SLT or designated person, will ask the student to empty their pockets or bags. If the student refuses, parents, carer or social worker and the police may be contacted to conduct the search. The SLT may decide 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 Trust 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 Trust 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 Trust 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. Local police will currently press charges in all such cases. The Trust will notify the student's home institution and refer the student/pupil to. If, however, the substance discovered was a Class A drug the Trust will consider taking steps to exclude whilst at the same time referring the student for support to Branching Out

5.2.3 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 Trust will consider taking steps to permanently exclude the student**. If the Trust 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.

5.2.4 Suspected Supplying of Drugs Outside Premises

If it is suspected that a **student is involved in the supply of drugs outside the Trust**, the police will be contacted and the student's home informed. If the Trust 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. If the student is supplying drugs to other students in Trust, the Trust may consider permanent exclusion.

5.3 The Calder Learning Trust: Permanent Exclusions

The following 'one off' incidents are accepted as serious enough to be considered for a permanent exclusion:

- Serious assault of another student/pupil or member of staff
- Threatening violence with a dangerous weapon
- Distribution of drugs to other student/pupils
- Sexual assault/violence perpetrated against another student/pupil or member of staff
- Possession of drugs (in such instances, student/pupils would normally only be permanently excluded if they refuse to engage in a comprehensive programme of rehabilitation. Some Trusts will also seek a managed move for these student/pupils)
- Any other serious incident that is considered to warrant a permanent exclusion

5.4 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.

5.5 Searching Student/pupils

A student/pupil can be searched if the staff member thinks that there are reasonable grounds for suspecting that a student/pupil is in possession of drugs. Staff should be aware that student/pupils can be searched with or without their consent. The Headmaster or a member of Trust staff consenting to being authorised by the Headmaster can carry out a search. The staff member carrying out the search must be the same sex as the student/pupil being searched (see exception below²); and there must be a witness (also a staff member) and, if at all possible, they should be the same sex as the student/pupil being searched.

When conducting a search:

- The person conducting the search may not require the student/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, socks, gloves and scarves
- 'Possessions' means any goods over which the student/pupil has or appears to have control – this includes bags. A student/pupil's possessions can only be searched in the presence of the student/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
- Under common law powers, The Trust is able to search for any item provided the student/pupil agrees.
- If a student/pupil does not consent to a search or withdraws consent, then it is possible to conduct a search without consent but only for the "prohibited items" listed above
- Members of staff can use such force as is reasonable³ given the circumstances when conducting a search for illegal drugs (see Section 11 for DfE Guidance on use of Reasonable Force or Footnote 3 below).
- Any prohibited/banned item found in pupils/students possession will be confiscated. These items will not be returned. They will be disposed of.

5.6 Handling Suspected Illegal Substances

The Trusts' 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 student/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 Trust 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. This also includes cigarettes and vaping paraphernalia.

All vapes will be sent for testing of illegal substances (eg THC) and not returned.

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

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 leadership team.

The importance of confidentiality cannot be underestimated. A student/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 student/pupils the circumstances under which information may need to be disclosed and to whom.

- 6.1 Judging Competency & Parental Involvement:** A young person aged 16+ 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 it 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 wellbeing. 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'.

6.2 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 Trust must follow their Child Protection policy in deciding whether or not to share information. The member of staff 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.

6.3 **Sharing Information without Consent Disclosure:** 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 Trust 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 Trust 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
- where there is reasonable cause to believe that a child may be suffering or at risk of significant harm
- 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.

6.4 **Information sharing:** The Trust 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. Policy Training

7.1 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.

8. Relevant Documents

DfE & Association of Chief Police Officers (2012) Drug advice for Trusts

This non-statutory advice produced jointly with the Association of Chief Police Officers (ACPO) is for Trust leaders, Trust staff, governing bodies and local authorities. This guidance does not focus on drug education. It covers broader behaviour and pastoral support, as well as managing drugs and drug-related incidents within Trusts.

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/270169/drug_advice_for_Trusts.pdf

DfE (2014) Searching, screening and confiscation - Advice for headteachers, Trust staff and governing bodies

This advice is intended to explain Trusts' powers of screening and searching student/pupils. In particular it explains the use of the power to search student/pupils without consent. It also explains the powers Trusts have to seize and then confiscate items found during a search. It includes statutory guidance which Trusts must have regard to.

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/279245/searching_screening_confiscation_advice_feb14.pdf

DfE (2013) Use of reasonable force: Advice for headteachers, staff and governing bodies

This is non-statutory advice from the Department for Education. It is intended to provide clarification on the use of force to help Trust staff feel more confident about using this power when they feel it is necessary and to make clear the responsibilities of headteachers and governing bodies in respect of this power.

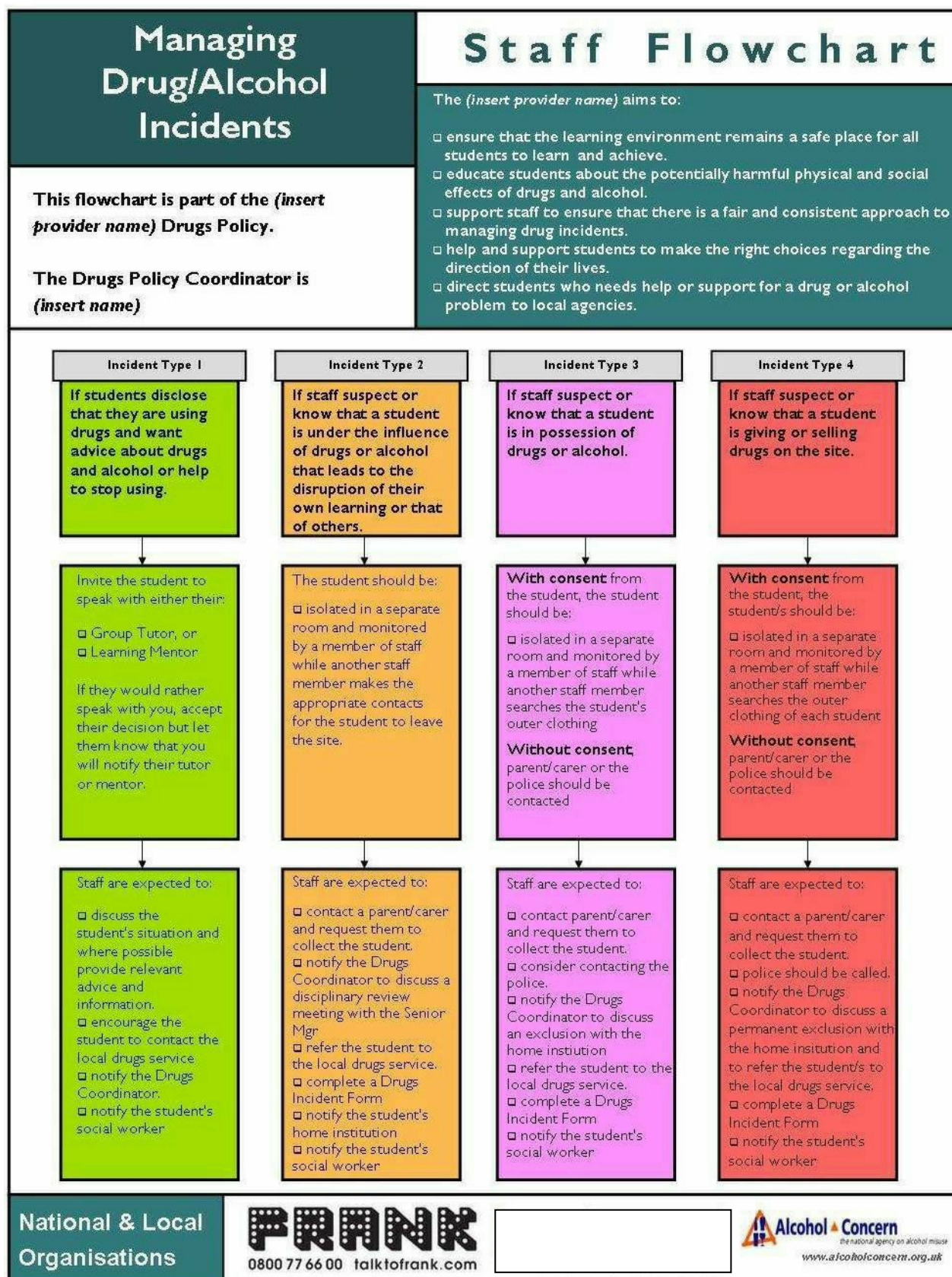
<https://www.gov.uk/government/publications/use-of-reasonable-force-in-Trusts>

HM Government (2018) Working together to safeguard children: A guide to inter-agency working to safeguard and promote the welfare of children

This statutory guidance should be read and followed by local authority Chief Executives, Directors of Children's Services, LSCB Chairs and senior managers within organisations who commission and provide services for children and families, including social workers and professionals from health services, adult services, the police, academy trusts, education, youth justice services and the voluntary and community sector who have contact with children and families

<https://www.gov.uk/government/publications/working-together-to-safeguard-children--2>

Drugs & Alcohol Incident Management Strategy



Example of a Drug- Related Incident Report Form

Drug-Related Incident Report Form	
Please complete this incident electronically, save and e-mail to the appropriate senior staff member responsible for dealing with drug-related incidents	
Author of Report:	Date Report Completed:
1. Incident Details	
Date of Incident:	Time of Incident:
Name of Student/pupil:	Form or Class:
Is this the first incident? YES / NO	If NO, how many other incidents:
Suspected Drug Involved:	Sample Drug Found: YES / NO
If found, where retained:	Name of Witness:
2. Brief Description of Incident	
3. Additional External Support	
First Aid given: YES / NO	First Aid given by:
Ambulance called by: YES / NO	Called by:
Parent/Carer to be called: YES / NO	Parent/Carer to be called by:
Social Worker to be called: YES /NO	Social Worker to be called by:
Drug Agency to be called: YES / NO	Drug Agency to be called by:

