



HEALTH POLICIES

Dealing with Drug Incidents in School

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TO REVIEW	As required	
SIGNED CHIEF EXECUTIVE		PRINT NAME Stephen Kings
SIGNED CHAIR OF TRUST BOARD		PRINT NAME Gavin Jones

Introduction

Young people are increasingly coming into contact with a range of illegal drugs and substances as well as legal substances, such as 'legal highs', outside the Academy, and it is inevitable that there will be occasions when these drugs and substances are brought into the Academy. The aim of this Policy is to ensure that the procedures for dealing with suspected incidents are clear to all staff and that a consistent approach is adopted across the Academy.

Academy Definitions of Drugs and Substances

In this policy the following categories of drugs and substances are used:

- drugs which are controlled/illegal (e.g. cannabis, amphetamines, ecstasy, heroin related);
- prescribed drugs which are improperly used;
- substances which interfere with a student's ability to learn (e.g. alcohol, solvents, magic mushrooms, substances considered to be a 'legal high');
- drugs which have a harmful effect on health (e.g. tobacco);
- drugs which are misused to enhance performance (e.g. analgesics, steroids).

Aims

The aims of this policy are to:

- maintain the ethos of the Academy;
- support agreed behaviour management policies;
- reduce the situations of risk for the majority;
- deter future occurrences;
- meet the needs of the offending student and their family;
- provide guidance in procedure when supporting medical incidents that require management.

Types of Incident

Incidents involving suspect substances (as defined in 'Academy Definitions of Drugs and Substances' above) may involve:

- illness or inappropriate behaviour as a result of substance misuse;
- possession of suspected substances for own use;
- sharing/dealing in substances.

Dealing with Suspected Incidents

Pupils who are suspected of being involved in a drug related incident should be kept under supervision at all times to ensure:

1. they do not suddenly become unwell;
2. they do not have the opportunity to dispose of any illegal substance;
3. they do not cause themselves or others any harm.

GUIDANCE AND PROCEDURES

Any member of staff who has suspicions regarding a drug related incident should keep the pupil under their constant supervision and send immediately for a member of the Senior Leadership Team.

Residential experience and overseas visits – incident should be recorded, reported to the Principal upon occurrence or as soon as possible after the occurrence. Follow the laws of the host country if applicable.

The Principal, and other staff authorised by them, have a statutory power to search pupils or their possessions, without consent, where they suspect the pupil has certain prohibited items such as knives, weapons, alcohol, drugs and substances. The parents/carers and the police would be informed if a search takes place.

The Principal and other members of staff can seize any banned or prohibited items found as a result of a search or which they consider harmful or detrimental to school discipline.

When pupils hand over suspected substances and/or associated equipment, this should be locked away safely, preferably in a drugs bag supplied by the Police.

Administering of Medicines

For information regarding the administration of prescribed medicines please see the Staff Handbook.

Illness and Medical Support

A pupil who is suspected of taking a suspected illegal substance should have immediate medical treatment and the normal Academy procedures should be followed. Residential experience and overseas visits should follow the medical guidelines in the host country. Inform the Principal and parents. Sanctioning, if appropriate, should follow legal guidance and Academy Drugs Policy.

Searching / Detection

- Searches of students, property and the school site will only be carried out if the intelligence gathered supports the need for a search to be conducted.
 - The search will then be a targeted response to a perceived need.
 - Searches will be conducted in such a way as to minimise embarrassment and distress.
1. Searching with Consent - Schools' common law powers to search:

Academy staff can search pupils with their consent for any item as defined in the 'Academy Definitions of Drugs and Substances' which is banned by the school rules.

- The Academy is not required to have formal written consent from the pupil for this sort of search – it is enough for the member of staff to ask the pupil to turn out his or her pockets or if the member of staff can look in the pupil's bag or locker and for the pupil to agree. If a member of staff suspects a pupil has a banned item in his/her possession, they can instruct the pupil to turn out his or her pockets or bag and if the pupil refuses, the member of staff can apply an appropriate sanction – there should be two members of staff present.

2. Searching without Consent

The Academy can search for knives or weapons, alcohol, illegal drugs and stolen items (referred to in legislation as 'prohibited items').

The Principal or a member of the Senior Leadership Team can conduct a search or a member of school staff authorised by the Principal can conduct this kind of search. But:

- they must have reasonable grounds for suspecting that a pupil is in possession of a prohibited item;

- they must be the same sex as the pupil being searched;
- there must be a witness (also a staff member) and, if at all possible, they should be the same gender as the pupil being searched. However, it is possible for a female teacher to witness a search of a male pupil where there is only one male member of staff taking part in a school trip or vice versa.

3. Authorising Members of Staff

- a) The Principal should decide who to authorise to use these powers.
- b) There is no requirement to provide authorisation in writing.
- c) Staff can refuse to undertake a search.
- d) Staff can be authorised to search for some items but not others; for example, a member of staff could be authorised to search for stolen property, but not for weapons or knives.

4. Establishing Grounds for a Search

- a) Members of staff can only undertake a search without consent if they have reasonable grounds for suspecting that a pupil may have in his or her possession a prohibited item. The member of staff must decide in each particular case what constitutes reasonable grounds for suspicion. For example, they may have heard other pupils talking about the item or they might notice a pupil behaving in a way that causes them to be suspicious.
- b) The powers allow staff to search regardless of whether the pupil is found after the search to have that item. This includes circumstances where staff suspect a pupil of having items such as illegal drugs or stolen property which are later found not to be illegal or stolen.
- c) Academy staff can view CCTV footage in order to make a decision as to whether to conduct a search for an item.

5. Location of a Search

- a) Searches without consent can only be carried out on the school premises or, if elsewhere, where the member of staff has lawful control or charge of the pupil, for example on school trips in England or in training settings. However, if the Trip is not in England the Academy Policy would be followed with due regard to local laws.
- b) The powers only apply in England.

6. During the Search

What the law says:

- a) The person conducting the search may not require the 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; gloves and scarves.
- b) 'Possessions' means any goods over which the pupil has or appears to have control – this includes desks, lockers and bags. A pupil's possessions can only be searched in the presence of the pupil and another member of staff.
- c) 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.
- d) Under common law powers, schools are able to search lockers and desks for any item provided the pupil agrees. If a pupil does not consent to a search then it is possible to conduct a search without consent but only for prohibited items.
- e) Reasonable force may be used by the person conducting the search. Please see the Academy's Use of Reasonable Force Policy.

7. After the Search

What the law allows:

- a) 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 reasonable to do so.
- b) A member of staff can use their discretion to confiscate and retain any item found as a result of a 'with consent' search so long as it is reasonable in the circumstances. Staff have a defence to any complaint or other action brought against them. The law protects members of staff from liability in any proceedings brought against them for any loss of, or damage to, any item they have confiscated, provided they acted lawfully.
- c) A member of staff carrying out a search can seize anything they have reasonable grounds for suspecting is a prohibited item or is evidence in relation to an offence.
- d) Where a member of staff conducting a search finds alcohol, they may retain or dispose of it.
- e) Where a member of staff finds controlled drugs, these must be delivered to the police as soon as possible unless the Police advise otherwise.

- f) Where a member of staff 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.

8. Good Reason

- a) Where staff are unsure as to the legal status of a substance and have reason to believe it may be a controlled drug they should treat it as such.
- b) Schools can dispose of alcohol as they think appropriate but this does not include returning it to the pupil.

9. Telling Parents and Dealing with Complaints

- a) Schools are not required to inform parents before a search takes place or to seek their consent to search their child.
- b) There is no legal requirement to make or keep a record of a search, however, it is Academy policy to do so: date, time, place, names, etc.
- c) It is Academy policy to inform the individual pupil's parents or guardians where alcohol, illegal drugs or potentially harmful substances are found, though there is no legal requirement to do so.
- d) Complaints about searching should be dealt with through the normal school complaints procedure.

Sniffer Dogs and Drug Testing

- Current Academy practice is to allow Sniffer Dogs in the Academy for educational visits only.
- The Academy will allow random surface testing undertaken by members of the Police Force on Academy premises.

Informing Parents and the Police

Once an investigation is underway, parents of pupils who have had any involvement should be informed before the pupil returns home.

The Academy would always, via the Principal, involve the Police if a suspect substance (as defined in 'Academy Definitions of Drugs and Substances') is brought into school or a pupil's behaviour is inappropriate due to suspected drug abuse outside the Academy.

The involvement of the Police, if prescribed drugs, solvents, alcohol or performance enhancing drugs are misused, will be at the discretion of the Principal.

Exclusions

All exclusions are at the discretion of the Principal. Pupils who bring a suspect substance (as defined in 'Academy Definitions of Drugs and Substances') into school, sell or exchange substances, have suspect substances in their possession or behave inappropriately due to taking suspect substances could be excluded subject to the Pupil Discipline Policy, entitled Promoting Positive Pupil Behaviour.

After the Event

If the pupil has a Fixed Term Exclusion of an accumulation of 15 days or more a Governors' Pupil Disciplinary Meeting is automatically called. However, all pupils involved in drug related incidents will be seen by members of the Trust.

The Academy would wish to ensure that pupils are given support and will offer all pupils involved in a drugs related incident drugs counselling.

POLICE GUIDELINES

In order to provide consistency across all Torbay schools we are circulating the following guidelines so that all schools have the same framework on which to build their future drug policies. Within the guidelines there are areas of discretion to meet the needs and views of individual schools.

Devon and Cornwall Constabulary have a positive arrest policy regarding all complaints of crimes committed by young people, either in or out of school.

Certain **minor offences** can still be dealt with in schools by the Torbay Youth Affairs Officers, where **no official complaint is made but the incident reported**. However, if a **drugs incident is reported in any way, it will have to be dealt with formally by taking statements, seizing the evidence and then possibly dealing with the young person by way of arrest**.

To allow schools some discretion on how they deal with drugs related incidents, these guidelines could be adopted:

- Where a young person is in possession of Class A drug, i.e. Ecstasy, Heroin and Cocaine, the police should be informed.
- Where a young person is supplying or selling any form of drug, the police should be informed.
- Where a young person is in possession of a very small amount of a class C drug, i.e. cannabis, for their own personal use, then the school could decide to deal with the incident themselves and not inform the police. The amount of drug involved, in total, is no larger than a small thumbnail and must be disposed of by handing in to the local police station.

When a decision has been made to inform the police of a drugs incident in order to ensure a consistent response to schools all requests should be made through the main switchboard.

Number 08705 777 444

A log number should be provided e.g. 234 of 17/07/21

When the officer attends they will make the necessary arrangements to take statements and seize any drugs, which should be placed in a plastic evidence bag and sealed. Any admissions made by the young person, either orally or in writing, cannot be used in evidence, but will be required by the police for disclosure purposes.

The young person will not normally be arrested in school, but arrangements made with parents for attendance at Torquay Police Station.

Once a young person has been arrested, depending on any previous police record and the severity of the offence, they will receive either a Reprimand, Final Warning or be charged to appear at Juvenile Court.

The Education Welfare Officers may be able to help with some relevant background information on the young person, but the police will not be able to check a person's record to help with any decision making.



A copy of the Misuse of Drugs Act 1971 is attached for your information and if you have any questions or concerns, please contact your Youth Affairs Officer on 01803 841259.

THE MISUSE OF DRUGS ACT (1971) AS AMENDED BY THE 1986 MAXIMUM PENALTIES

CLASS A	CLASS B	CLASS C
Heroin	Amphetamines (Speed)	Mild Amphetamines
Cocaine, Crack Cocaine	Barbiturates	Mild Tranquillisers
Methadone	Codeine	DF 118 (painkillers)
LSD	Cannabis	Anabolic Steroids
Ecstasy	Salvia	Ketamine
Magic Mushrooms	Glues, gases and aerosols	Rohypnol
Methamphetamine (crystal meth)	Phenazepam	Gamma Hydroxybutyrate (GHB)
Methadone	Mephedrone	‘Legal Highs’
PMA	Methylone	Benzylpiperazine (BZP)
2CB	Naphyrone	
Dimethyltryptamine		
<p>MAXIMUM PENALTIES Under the Misuse of Drugs Act Possession – 7 years and an unlimited fine Trafficking - supply and intent to supply – Life and fine</p>	<p>MAXIMUM PENALTIES Under the Misuse of Drugs Act Possession – 5 years and an unlimited fine Trafficking supply and intent to supply – 14 years and fine</p>	<p>MAXIMUM PENALTIES Under the Misuse of Drugs Act Possession – 2 years and an unlimited fine Trafficking supply and intent to supply – 14 years and fine</p>

