



# SOLIHULL

## Smoking, Nicotine, Alcohol and the Misuse of Drugs and Substances Policy

**Owner:** Head of Senior School  
**Reviewers:** Deputy Head: Pastoral and Senior Deputy Head of Prep School.  
**Last Reviewed:** January 2023

Version 3

## Aims

The aims of this policy are as follows:

- to promote safety, welfare and good physical and mental health;
- to inform pupils about, and prevent the misuse of, alcohol, tobacco, drugs and substances;
- to keep tobacco, alcohol and drugs out of the school.

## Scope and Application

This policy applies to the whole school. This policy applies to all pupils at the school and at all times when a pupil is:

- in or at school;
- representing the school or wearing school uniform;
- travelling to or from school;
- on school-organised trips;
- associated with the school at any time.

This policy shall also apply to pupils at all times and places in circumstances where failing to apply this policy may:

- affect the health, safety or well-being of a member of the school community or a member of the public;
- have repercussions for the orderly running of the school;
- bring the school into disrepute.

This policy applies to the possession, use/consumption and/or supply of nicotine, tobacco, alcohol, drugs and substances.

## Regulatory framework

This policy has been prepared to meet the school's responsibilities under the:

- Education (Independent School Standards) Regulations 2014;
- Education and Skills Act 2008;
- Children Act 1989;
- Equality Act 2010.

This policy has regard to the following guidance and advice:

- Testing for Substance Misuse in Schools (Medical Officers of Schools Association, June 2020);
- DfE and ACPO Drug Advice for Schools (Department for Education and Association of Chief Police Officers, September 2012); and
- Searching, Screening and Confiscation: Advice for Schools (DfE, August 2022).

The following school policies, procedures and resource materials are relevant to this policy:

- Behaviour and Discipline Policy;
- Exclusion Policy;
- Safeguarding and Child Protection Policy and Procedures;

- Parent Contract

### **Publication and availability**

This policy is published on the school website and is available in hard copy on request. A copy of the policy is available for inspection from the school office during the school day. It can also be made available in large print or other accessible format if required.

### **Definitions**

Where the following words or phrases are used in this policy:

- **Alcohol** means intoxicating liquor of all descriptions.
- **Biological sample** means a sample of breath, saliva, hair, nails, or urine provided by pupil in accordance with the procedures set out in this policy.
- **Drugs and substances** means, without limitation, controlled drugs and the paraphernalia of drugs, psychoactive substances or substances intended to resemble drugs, or "legal" drugs which can be obtained from a chemist shop, performance enhancing drugs, anabolic steroids, glue and all other substances held or supplied in each case for purposes of misuse.
- **Tobacco and nicotine** means any tobacco or nicotine related product and paraphernalia including cigarettes, cigars and pipes and any other smoking related products such as tobacco and cigarette papers, nicotine substitutes, vaping products and the paraphernalia of vaping and electronic cigarettes.

### **Responsibility Statement and Allocation of Tasks**

The Governing Body has overall responsibility for all matters which are the subject of this policy.

### **Smoke & Vape Free Policy**

The school operates a smoke and vape free policy within its buildings, grounds and vehicles. The total smoking and vape ban applies to the whole school community including pupils, employees, volunteers, parents, visitors, members of the public and others working in or using the school's premises, vehicles and attending events.

### **Education and Pastoral Care**

The school educates pupils to understand:

- the effect and risks associated with alcohol, tobacco and vaping in relation to their health and well-being and the law;
- the use of certain 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.

The school educates pupils about these issues through its Wellbeing and Personal Development curriculum. The school encourages pupils to discuss in confidence any anxieties they may have about use of tobacco, alcohol or drugs and substance abuse with a member of staff or the school counsellors.

Matters brought into counselling by a pupil or his/her parents, in circumstances which are genuine, may be "ring-fenced" from disciplinary sanctions. However, a Pupil who is not participating with such counselling (to be assessed by the appointed counsellor whose decision is final) or breaks any of the rules or guidelines of the counselling procedure thereof, will face disciplinary action.

For example, a pupil who comes forward and voluntarily identifies him/herself as a drug user and asks for help may be given the opportunity to reform his/her behaviour with counselling and a supportive testing regime (see Appendix 3). Similarly, pupils who smoke may be given the opportunity to undertake a smoking cessation programme. Failure to adhere thereto will make such Pupil liable for disciplinary action.

### **School Rules**

Pupils are forbidden from:

- smoking or vaping on school premises, and/or being in possession of tobacco or vaping products while in the Scope or Application of these rules and/or the care of the school and/or supplying tobacco to other pupils;
- any production, possession, use or supply of drugs and substances;
- bringing alcohol, smoking or vaping produce onto school premises or being in unsupervised possession of alcohol
- obtaining or supplying alcohol, smoking or vaping products to another
- impaired by alcohol, drugs or substances while on school premises or in the Scope or Application of these rules.
- bringing the school into disrepute for any reason associated with tobacco, vaping, alcohol or drugs and substances, whether or not the pupil is in Scope or Application of these rules at the time.

### **Parents and Visitors**

If a member of staff reasonably suspects that a parent or visitor is under the influence of drugs or substances or alcohol, and/or will or may drive whilst under the influence of drugs or substances or alcohol, the member of staff should report the matter to a Designated Safeguarding Lead (or Deputy), or a member of the School Leadership Team, who may telephone the police.

If the Designated Safeguarding Lead, or a member of the School Leadership Team, reasonably believes that a child is at risk of harm from a parent or visitor who is under the influence of alcohol or drugs, the child will not be released into the care of the parent or visitor and the school's child protection procedures will be followed.

### **Investigation**

Every complaint, allegation or rumour or observation of pupil behaviour in relation to tobacco, vaping, alcohol or involvement with drugs and substances will be followed up and investigated in accordance with this policy and the procedures set out in the school's Behaviour and Discipline Policy.

### **Searches for Tobacco, Alcohol, Drugs and Substances**

School staff will always seek consent to search a pupil for tobacco, vaping, alcohol, drugs or substances. 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. Pupils and their belongings will only be searched by a member of staff of the same gender and two members of staff should be present.

A pupil may be searched without his/her consent for tobacco, nicotine (inc. vaping), alcohol, drugs or substances in accordance with the Department of Education's publication: *Searching, Screening and Confiscation; advice for schools – August 2022*.

### **Testing**

A pupil reasonably suspected of unauthorised consumption of alcohol or involvement with drugs or substances may be required to give a biological sample. The reason for this policy is to:

- deter breaches of school discipline;
- identify users;
- absolve those who have been wrongly suspected.

Reason to suspect alcohol consumption or use of drugs or substances may arise as a result of information received which is believed on the balance of probabilities to be genuine or a complaint received or because of a pupil's behaviour or demeanour.

### **Alcohol**

See Appendix 1 for details of the testing procedure for alcohol.

### **Drugs and Substances**

See Appendix 2 for details of the testing procedure for drugs and substances.

### **Consent**

The relevant consent to a drug alcohol and substance 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 consent in writing.

The member of staff leading the investigation will determine acting in good faith or reasonably whether or not the pupil is able to provide this consent and may request the additional opinion of a medically qualified member of staff or medical practitioner.

If a pupil refuses to provide a biological sample he/she will be asked to say why he/she has refused. This will be recorded in writing. The school will be entitled to draw an adverse inference from his/her response refusal and general demeanour. If a parent's consent is required and they refuse to consent to their child providing a biological sample, the school may draw inferences from the pupil's general demeanour.

Reasonable endeavours will be made, before a biological sample is taken, to notify a parent, guardian or education guardian of the requirement for a biological sample and the reasons for that requirement.

The school will treat a positive test as evidence that the pupil has consumed alcohol or has been using drugs or substances, as appropriate.

### **Police involvement**

If the school seizes a controlled drug, the drug may be destroyed if there is good reason to do so. Otherwise the school will deliver it to the police as soon as reasonably practicable.

In all other cases, the school 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 further using their own procedures or may elect to pass the matter back to the school to investigate.

If the findings of the investigation support the allegation, complaint or rumour or observation of pupil behaviour, a disciplinary meeting will be held in accordance with the procedures set out in school's Behaviour and Discipline Policy and Exclusion Policy and may result in permanent exclusion.

### **Sanctions**

Where a pupil breaches any of the school rules set out in this policy, the Governing Body has authorised the Executive Headmaster to apply any sanction which is appropriate and proportionate to the breach in accordance with the school's Behaviour and Discipline Policy.

The following guidelines which are not restrictive or determinate may apply:

**Tobacco, nicotine and alcohol:** Sanctions will be applied in accordance with the school's Behaviour and Discipline Policy. For a serious breach or persistent breaches, a pupil may be permanently excluded from the school.

**Drugs: Anyone producing or supplying drugs or substances must expect to be permanently excluded immediately even if he/she is about to sit public examinations.** Anyone possessing or using drugs must also expect to be permanently excluded in accordance with the school's Behaviour and Discipline Policy. In exceptional cases, to be determined by the Executive Headmaster acting reasonably, a supportive regime (see Appendix 3) may be offered as an alternative to permanent exclusion. The Executive Headmaster is not obliged or required to offer a supportive regime.

Breach of supportive regime:

If a Pupil having been offered a supportive regime subsequently breaches the same, the Executive Headmaster may impose any sanction including permanent exclusion. If the Executive Headmaster in their sole discretion deems appropriate, notwithstanding the sanction (other than permanent exclusion), may permit the Pupil to receive support or withdrawn it.

### **Training**

The school ensures that regular guidance and training is arranged on induction and at regular intervals thereafter so that staff and volunteers understand what is expected of them by this policy and have the necessary knowledge and skills to carry out their roles. The level and frequency of training depends on role of the individual member of staff. The school maintains written records of all staff training.

### **Record keeping**

All records created in accordance with this policy are confidential and are managed in accordance with the school's policies that apply to the retention and destruction of records. Sensitive personal information about pupils is disclosed only on a "need to know" basis with careful attention to the Law and the school's obligation thereunder and the pupils' rights.

## **Appendix 1 Testing for Alcohol**

- 1 **Method of use:** Only members of staff who have received training will be authorised to administer testing. In general, they will be members of the Senior Management/ School Leadership Team and if possible of the same gender as the pupil.
- 2 **Refusal:** If a pupil refuses to provide a sample of breath the pupil may be asked to supply, under medical supervision, a further biological sample for analysis in accordance with the drug testing procedures (see Appendix 2).
- 3 **Record:** A written record will be kept when a pupil is asked to take a test including the reason for any refusal and its outcome will be recorded.
- 4 If the staff member decides in their discretion that there is a genuine reason for the pupil to refuse a breath test, including a health reason, the procedure can automatically start at 2 above and no adverse inference shall be drawn.

## **Appendix 2 Testing for Drugs or Substances**

- 1 **Biological sample:** If there is reason to suspect that a pupil has been involved with drugs or substances, he/she may be asked to supply, under medical supervision, a biological sample (saliva, hair or urine) for analysis.
- 2 **Collection of biological sample:** The biological sample will be collected under medical supervision by a testing laboratory engaged by the school and a member of the school staff will be present. All due care will be taken to respect the pupil's privacy and human rights. Subject to availability, a pupil can opt to provide their biological sample either at a local facility or on the school campus. Parents/Guardians are expected to accompany the pupil to the test. If the test happens on the school premises a member of staff will also be present.
- 3 **Testing procedures:** These will be in accordance with standard good practice and where applicable with the *Testing for Substance Misuse in Schools* (June 2020) as revised, produced by the Medical Officers in Schools Association (**MOSA**):
  - care will be taken to make as certain as possible that the sample provided is genuine and uncontaminated;
  - the pupil will be asked to sign various seals and documents which confirm that the specimens are his/hers;
  - the pupil will also be required to sign a form which signifies that he/she has undertaken the collection procedure and gives consent for the results of the test being made available to the Executive Headmaster.
- 4 **Cost of testing:** The school will pay the costs of collection and testing and will pass these on to the parents as a supplemental charge.
- 5 **Medical record:** The outcome of the test, whether positive or negative, will not form part of the pupil's permanent medical record.
- 6 **Outcome:** When the school receives the laboratory report:
  - reasonable attempts will be made to notify a parent by telephone;
  - if the results are negative, any second sample will be destroyed immediately;
  - if the result is non-negative, a second sample, held by the testing laboratory, will be made available for confirmatory analysis using LCMS or / and GCMS techniques.
  - Confirmatory tests are considered evidential and positive test results can be used for legal and disciplinary purposes.



### Appendix 3 Supportive Regime

For internal purposes only, unless required under safeguarding legislation.

<b>Full name of pupil</b>	
<b>Date</b>	
<b>Pupil's date of birth</b>	
<b>Age now</b>	
<b>1.</b>	I have made a voluntary admission of having used alcohol, or nicotine, a controlled drug or substance in breach of the school's policy, behaviour and disciplinary rules or code of conduct.
<b>2.</b>	As an alternative to exclusion, the Executive Headmaster has offered me a supportive regime under which for the remainder of this term and the next three school terms, without obligation on the part of the school, I may at any time be asked to provide a saliva/hair/urine/nail sample under medical supervision, for analysis in accordance with the procedures described in the attached policy, which I have read and understood.
<b>3.</b>	I agree to share the results of any test conducted on a saliva/hair/urine/nail sample with the Executive Headmaster or delegate thereof and understand confirmatory tests will be order on any non-negative result.
<b>4.</b>	I understand that I may be asked to provide a saliva/hair/urine/nail sample at any reasonable time even if no immediate suspicion at that time to suspect that I have been involved with drugs or substances.
<b>5.</b>	I agree to be subject to this regime and to co-operate with the school in every respect. I understand that the school will take all reasonable care to preserve my confidentiality and human rights in the operation of this regime.
<b>6.</b>	I also understand that if without good reason I fail to co-operate with this regime, or on further significant breach of the Behaviour and Discipline Policy, or if a confirmatory test proves non-positive, I would, save in exceptional circumstances be required to leave the school.
<b>Signed</b>	

**Appendix 4 Declaration of Parents/Guardian/Education Guardian**

For internal purposes only, unless required under safeguarding legislation.

I/We the undersigned have read the school's policy on Drugs and Substances, and this Appendix. For my / our part, I / we accept the Executive Headmaster's offer of a supportive regime for the above-named pupil, as described above. 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 £[.....] plus VAT per test.

<b>Signed</b>	
<b>Full name</b>	
<b>Relationship to pupil</b>	
<b>Date</b>	

<b>Signed</b>	
<b>Full name</b>	
<b>Relationship to pupil</b>	
<b>Date</b>	

## **Appendix 5 – Useful Organisations**

**Addaction** is one of the UK's largest specialist drug and alcohol treatment charities. As well as adult services, they provide services specifically tailored to the needs of young people and their parents. The Skills for Life project supports young people with drug misusing parents. Website: [www.addaction.org.uk](http://www.addaction.org.uk)

**ADFAM** offers information to families of drug and alcohol users, and the website has a database of local family support services. Tel: 020 7553 7640 Email: [admin@adfam.org.uk](mailto:admin@adfam.org.uk) Website: [www.adfam.org.uk](http://www.adfam.org.uk)

**Alcohol Concern** works to reduce the incidence and costs of alcohol-related harm and to increase the range and quality of services available to people with alcohol-related problems Tel: 020 7264 0510. Email: [contact@alcoholconcern.org.uk](mailto:contact@alcoholconcern.org.uk) Website: [www.alcoholconcern.org.uk](http://www.alcoholconcern.org.uk)

**ASH** (Action on Smoking and Health) A campaigning public health charity aiming to reduce the health problems caused by tobacco. Tel: 020 7739 5902 Email: [enquiries@ash.org.uk](mailto:enquiries@ash.org.uk) Website: [www.ash.org.uk](http://www.ash.org.uk)

**Children's Legal Centre** operates a free and confidential legal advice and information service covering all aspects of law and policy affecting children and young people. Tel: 01206 877910 Email: [clc@essex.ac.uk](mailto:clc@essex.ac.uk) Website: [www.childrenslegalcentre.com](http://www.childrenslegalcentre.com)

**Children's Rights Alliance for England** - A charity working to improve the lives and status of all children in England through the fullest implementation of the UN Convention on the Rights of the Child. Email: [info@crae.org.uk](mailto:info@crae.org.uk) Website: [www.crae.org.uk](http://www.crae.org.uk)

**Drinkaware** - An independent charity that promotes responsible drinking through innovative ways to challenge the national drinking culture, helping reduce alcohol misuse and minimise alcohol related harm. Tel: 020 7307 7450 Website: [www.drinkaware.co.uk/](http://www.drinkaware.co.uk/)

**Drinkline** - A free and confidential helpline for anyone who is concerned about their own or someone else's drinking. Tel: 0800 917 8282 (lines are open 24 hours a day) Drug Education Forum – this website contains several useful papers and briefing sheets for use by practitioners: Website: [www.drugeducationforum.com](http://www.drugeducationforum.com)

**DrugScope** is a centre of expertise on illegal drugs, aiming to inform policy development and reduce drug-related risk. The website includes detailed drug information and access to the Information and Library Service. DrugScope also hosts the Drug Education Practitioners Forum. Tel: 020 7520 7550 Email: [info@drugscope.org.uk](mailto:info@drugscope.org.uk) Website: [www.drugscope.org.uk](http://www.drugscope.org.uk)

**FRANK** is the national drugs awareness campaign aiming to raise awareness amongst young people of the risks of illegal drugs, and to provide information and advice. It also provides support to parents/carers, helping to give them the skills and confidence to communicate with their children about drugs. 24 Hour Helpline: 0800 776600 Email: [frank@talktofrank.com](mailto:frank@talktofrank.com) Website: [www.talktofrank.com](http://www.talktofrank.com)

**Mentor UK** is a non-government organisation with a focus on protecting the health and wellbeing of children and young people to reduce the damage that drugs can do to their lives. Tel: 020 7739 8494. Email [admin@mentoruk.org](mailto:admin@mentoruk.org) Website: [www.mentoruk.org.uk](http://www.mentoruk.org.uk)

**National Children's Bureau** promotes the interests and well-being of all children and young people across every aspect of their lives. Tel: 020 7843 6000 Website: [www.ncb.org.uk](http://www.ncb.org.uk)

**Family Lives** - A charity offering support and information to anyone parenting a child or teenager. It runs a freephone helpline and courses for parents and develops innovative projects. Tel: 0800 800 2222 Website: <http://familylives.org.uk/>

**Re-Solv (Society for the Prevention of Solvent and Volatile Substance Abuse)** A national charity providing information for teachers, other professionals, parents and young people. Tel: 01785 817885 Information line: 01785 810762 Email: [information@re-solv.org](mailto:information@re-solv.org) Website: [www.re-solv.org](http://www.re-solv.org)

**SIAS Solihull Integrated Addiction Services** – Tel 0121 301 4141. SIAS services are free, confidential and non-judgmental. They help individuals free themselves from addiction, working with them and their families, where appropriate, to find a way forward that works for them. <https://www.sias-solihull.org.uk/>

**Smokefree** - NHS Smoking Helpline: 0800 169 0 169 Website: <http://smokefree.nhs.uk>  
Stars National Initiative offers support for anyone working with children, young people and families affected by parental drug and alcohol misuse. Website: [www.starsnationalinitiative.org.uk](http://www.starsnationalinitiative.org.uk)

**Youth Offending Teams** – Local Youth Offending Teams are multi-agency teams and are the responsibility of the local authority, who have a statutory duty to [prevent offending by young people under the age of 18. Website: <https://www.gov.uk/youth-offending-team>