



# SOLIHULL

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

**Owner:** Senior Deputy Headmaster  
**Reviewer:** Assistant Head: Pastoral  
**Last Reviewed:** November 2019

Version 4

## **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 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 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, October 2015);
- 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, January 2018).

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.

### **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 or urine provided by pupil in accordance with the procedures set out in this policy.
- **Drugs and substances** means 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 other substances held or supplied in each case for purposes of misuse.
- **Tobacco** means any tobacco-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 Free Policy**

The School operates a smoke free policy within its buildings, grounds and vehicles. The total smoking 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 or vehicles.

### **Education and Pastoral Care**

The school educates pupils to understand:

- the effect and risks associated with alcohol and tobacco 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, but a pupil who contravenes this policy 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.

### **School Rules**

Pupils are forbidden from:

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

### **Parents and Visitors**

If a member of staff suspects that a parent or visitor is under the influence of drugs or substances or alcohol, and/or will 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 senior management/leadership team who may ask the parent/visitor to leave and may telephone the police.

If the Designated Safeguarding Lead reasonably believes that a child is at immediate 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 or 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, 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 will only be searched by a member of staff of the same gender.

A pupil may be searched without his/her consent for tobacco, alcohol, drugs or substances in accordance with the Department of Education's publication: *Searching, Screening and Confiscation; advice for schools – January 2018*.

### **Testing**

A pupil suspected of unauthorised consumption of alcohol or involvement with drugs or substances may be asked 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 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 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.

If a pupil refuses to provide a biological sample he/she will be asked to say why he/she has refused. The school 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 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, although not infallible, as evidence that the pupil has consumed alcohol or 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 using their own procedures or may 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 Exclusion Policy.

### **Sanctions**

Where a pupil breaches any of the school rules set out in this policy, the Governing Body has authorised the 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 will apply:

**Tobacco 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, a supportive regime (see Appendix 3) may be offered as an alternative to permanent exclusion. The Headmaster is not obliged to offer a supportive regime.

### **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 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 pupils' rights and needs.

## **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/Leadership Team.
  
- 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 and its outcome will be recorded.

## 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. A member of the school staff will be present. All due care will be taken to respect the pupil's privacy and human rights.
- 3 **Testing procedures:** These will be in accordance with standard good practice and where applicable the *Testing for substance misuse in schools* (October 2015) 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 asked to sign a form which signifies that he/she has been satisfied with the collection procedure and gives consent for the results of the test being made available to the Headmaster.
- 4 **Cost of testing:** The school will pay the costs of collection and testing and may, if positive, 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 result is negative, any second sample will be destroyed immediately;
  - if the result is positive, a second sample, held by the testing laboratory, will be made available for independent analysis.



**Appendix 3 Supportive Regime**

<b>Full name of pupil</b>	
<b>Date</b>	
<b>Pupil's date of birth</b>	
<b>Age now</b>	
1	I have made a voluntary admission of having used a controlled drug or substance in breach of the school's policy and disciplinary rules.
2	As an alternative to exclusion, the 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 sample under medical supervision for analysis in accordance with the procedures described in the attached policy which I have read and understood.
3	I understand that I may be asked to provide a saliva/hair/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.
4	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.
5	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 school.
<b>Signed</b>	

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

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 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>	