

Drugs, substances, tobacco and vaping policy

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Purpose

This policy sets out the School's approach to drugs, substances, tobacco, nicotine and vaping products. It is intended to address the particular health, safeguarding, legal and disciplinary risks associated with these matters, rather than to duplicate the School's general disciplinary framework.

This policy should be read alongside the School's Behaviour, Rewards and Sanctions Policy, Safeguarding and Child Protection Policy, Alcohol Policy, Searching and Confiscation procedures, Medical and First Aid Policy, School Conventions and Boarding Policy.

Alcohol is dealt with primarily under the School's Alcohol Policy. Where alcohol misuse overlaps with welfare, safeguarding, intoxication, testing, searches, discipline or immediate medical response, this policy may also apply.

The aims of this policy are to:

- promote pupil safety, welfare and good physical and mental health
- educate pupils about the risks and consequences of drug, substance, tobacco, nicotine and vaping use
- maintain a smoke-free and drug-free School environment
- keep prohibited items out of School and boarding accommodation
- respond firmly, fairly and consistently to possession, use, supply or facilitation
- ensure that pupils who need help are identified and supported appropriately.

Regulatory Framework

- Education (Independent School Standards) Regulations 2014
- *Boarding schools: national minimum standards* (Department for Education (DfE), September 2022)
- Education and Skills Act 2008
- Children Act 1989
- Childcare Act 2006
- Data Protection Act 2018 and General Data Protection Regulation (GDPR)
- Equality Act 2010
- Smoke-free (Premises and Enforcement) Regulations 2006.

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)
- Searching, screening and confiscation: advice for schools (DfE, July 2022)
- Drug penalties guidance (Gov.uk).

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

- Behaviour, Rewards and Sanctions Policy
- Expulsion and removal: review procedure
- Child protection and safeguarding policy and procedures
- School Conventions
- Parent contract.

Scope

This policy applies to all pupils whenever they are:

- in School or on School premises
- in boarding accommodation
- representing the School
- wearing School uniform
- travelling to or from School
- on a School trip, fixture, expedition or activity
- otherwise under the School's care.

It may also apply outside School where the conduct affects the health, safety or welfare of a member of the School community, brings the School into disrepute, has repercussions for the orderly running of the School, or raises safeguarding concerns.

Definitions

For the purposes of this policy:

Drugs and substances include controlled drugs, psychoactive substances, cannabis and THC products, cannabis edibles, THC vapes, substances intended to resemble drugs, solvents, aerosols, glues, nitrous oxide, performance-enhancing drugs, anabolic steroids, and any other substance used or supplied for the purpose of intoxication, stimulation, sedation or misuse.

Medication misuse includes the unauthorised possession, use, sharing, supply or excessive use of prescription or over-the-counter medication, including medication prescribed for another person.

Paraphernalia includes any equipment, product, packaging, container, accessory or communication used or intended for preparing, concealing, consuming, storing, supplying or promoting drugs or substances.

Tobacco, nicotine and vaping products include cigarettes, cigars, tobacco, cigarette papers, pipes, vapes, e-cigarettes, vaporising devices, e-liquids, nicotine pouches, oral nicotine products, herbal smoking products, non-nicotine vapes and any related paraphernalia.

Use or misuse includes possessing, consuming, inhaling, smoking, vaping, taking, sharing, supplying, promoting, facilitating, storing, concealing or being under the influence of a prohibited item or substance.

School rules

Pupils must not:

- possess, use, consume, smoke, vape, share or supply any drug, substance, tobacco, nicotine or vaping product
- bring any such item onto School premises or into boarding accommodation
- store such items in their room, locker, bag, clothing, vehicle or personal belongings
- supply, sell, give, share, promote, advertise, arrange or facilitate the supply of prohibited items
- possess or use paraphernalia associated with drugs, substances, tobacco, nicotine or vaping
- misuse prescription or over-the-counter medication
- give their medication to another pupil or take medication prescribed for another person
- return to School or School care under the influence of drugs or substances
- encourage, pressure or coerce another pupil to use or obtain prohibited items

- conceal evidence or fail to seek help where another pupil may be at risk.

The School operates a smoke-free and vape-free policy. This applies to pupils, staff, parents, visitors, volunteers, contractors and others using School premises.

Education and pastoral support

The School educates pupils about drugs, substances, tobacco, nicotine and vaping through PSHE, pastoral work, assemblies, tutorials, external speakers and, where appropriate, individual support.

Education will include:

- health and wellbeing risks
- legal consequences
- addiction and dependency
- risks associated with vaping and nicotine products
- prescription medication misuse
- peer pressure and coercion
- county lines, criminal exploitation and online supply
- consent, vulnerability and impaired judgement
- how to seek help for themselves or others.

The School encourages pupils to speak to a trusted adult if they have concerns about their own use or the use of another pupil. Pupils may speak to their Housemaster or Housemistress, Tutor, Matron, Medical Centre, School Counsellor, Deputy Head, Deputy Head Pastoral, Designated Safeguarding Lead or any other trusted member of staff.

A pupil who seeks help before an incident arises will usually be treated supportively. This may include pastoral support, counselling, education, medical advice, parental involvement and, where appropriate, a testing or monitoring regime. However, self-disclosure does not provide automatic immunity from disciplinary action, particularly where there has been possession or use in School, supply to others, dishonesty, exploitation, coercion, serious risk or criminality.

Safeguarding and welfare

Any concern involving drugs, substances, tobacco, nicotine or vaping will be considered first as a potential welfare and safeguarding matter. Disciplinary action may follow, but the immediate priority is the safety of the pupil and others.

Staff should be alert to the possibility that drug or substance involvement may indicate wider concerns, including:

- mental health difficulty
- addiction or dependency
- bullying or peer pressure
- coercion or exploitation
- county lines or criminal exploitation
- debt or intimidation
- online contact or supply
- spiking or suspected spiking
- self-harm or risk-taking behaviour
- family or contextual safeguarding concerns.

Any member of staff with a concern about a pupil's welfare must report it to the Designated Safeguarding Lead in accordance with the Safeguarding and Child Protection Policy.

Parents

If a parent attending School premises appears to be under the influence of alcohol, drugs or substances, they will be asked to leave and the member of staff making the request should refer the matter to the School's Designated Safeguarding Lead.

- If a member of staff suspects that a parent has driven or will drive whilst under the influence of alcohol, drugs or substances, the member of staff should report the matter to the Designated Safeguarding Lead or a member of the senior management team, who may telephone the police.
- If the Designated Safeguarding Lead reasonably believes that a child is at immediate risk of harm from a parent who is under the influence of alcohol, drugs or substances, the child will not be released into the care of the parent and the School's child protection procedures will be followed.

Searches for tobacco, alcohol, drugs and substances

School staff can search a pupil for tobacco, alcohol, drugs or substances with his/her 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.

- A pupil may be searched without his/her consent for tobacco, alcohol, drugs or substances in accordance with the School's policy on searching and confiscation (see the procedures set out in Appendix 4 of the School's behaviour and discipline policy).

Testing

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

- (a) deter breaches of School discipline
- (b) identify users
- (c) absolve those who have been wrongly suspected.

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.

Although tests are not infallible, the School will treat a positive test as evidence that the pupil is likely to have consumed alcohol or been using drugs or substances, as appropriate.

Consent to testing

- The relevant consent to a test is that of the pupil rather than their parent(s), even if the pupil is under 16 years of age, provided that they are of sufficient maturity and understanding and give their informed consent in writing. Where the pupil is not deemed to have sufficient maturity or understanding or to be fit to give informed consent themselves, then consent will be sought from a parent and/or appropriate member of staff or medical expert instead.
- 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 they will be asked to say why they have refused. The School will be entitled to draw inferences from their 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.

Police involvement

As a Charity, the School must notify the police and/or relevant agencies of actual or alleged criminal activity. If the School suspects that a criminal offence has taken place in relation to the possession, use or supply of alcohol, drugs or substances, then consideration will be given to reporting this to the police and the relevant local authority.

If the police suspect that a pupil possesses or has stored drugs, substances or related paraphernalia, they may elect to investigate using their own procedures or may pass the matter back to the School to investigate.

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.

The School will retain, dispose or destroy tobacco, alcohol, drugs, smoking equipment and other substances in accordance with the law and recommendations set out in Searching, screening and confiscation: advice for schools (DfE, July 2022).

Sanctions

Where a pupil breaches any of the School rules set out in this policy, the Proprietor has authorised the Head to apply any sanction which is appropriate and proportionate to the breach in accordance with the School's behaviour and discipline policy. In addition, consideration will be given to appropriate support for the pupil.

The following guidelines as to sanctions 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 expelled or removed from the School.
- **Drugs:** Anyone producing or supplying drugs or substances should expect to be expelled even if they are about to sit public examinations. Anyone possessing or using drugs should also expect to be expelled in accordance with the School's behaviour and discipline policy.

Training

The School ensures that regular guidance and training is arranged on induction and at regular intervals thereafter so that staff and volunteers are alert to the warning signs of drug misuse, understand what is expected of them by this policy and have the necessary knowledge and skills to carry out their roles and to respond appropriately when pupils seek advice or assistance.

The level and frequency of training depends on the role of the individual member of staff. The School maintains 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.

The records created in accordance with this policy may contain personal data. The School has a number of privacy notices which explain how the School will use personal data about pupils and parents. The privacy notices are published on the School's website. In addition, staff must ensure that they follow the School's data protection policies and procedures when handling personal data created in connection with this policy. This includes the School's data protection policy and information security policy.

APPENDIX 1

‘IMMEDIATE ACTION’ PROCEDURE

Staff should follow this procedure if a pupil is suspected of alcohol or substance misuse:

1. Ensure the immediate safety of the pupil and others. In an emergency call 999 to summon the emergency services.
2. Do not leave the pupil unsupervised.
3. Note any signs or symptoms that lead you to suspect the pupil may have misused alcohol or taken substances. These could include:
 - 3.1. Smell of alcohol, slurred speech, unsteady movement, unusual behaviour, or possession of substances or paraphernalia.
4. Maintain calm and professional communication
5. Inform the Medical Centre and escort the pupil to the Medical Centre for further care and assessment.
6. As soon as is reasonably possible inform the Deputy Head and/or the Deputy Head, Pastoral. If neither is available, inform the Head of Boarding, Head of Safeguarding or SMT Duty Manager.
7. Inform parents.
8. Preserve any evidence for proper recording and storage.

APPENDIX 2

TESTING FOR ALCOHOL

1. **Method of use:** Only members of staff who have received training will be authorised to administer the breathalyser. In general, they will be members of the Senior Management Team.
2. **Refusal:** If a pupil refuses to provide a sample of breath, they may be asked to supply, under medical supervision, a further biological sample for analysis in accordance with the drug testing procedures (see Appendix 3).
3. **Record:** A written record will be kept when a pupil is asked to take a test and its outcome will be recorded.

APPENDIX 3

TESTING FOR DRUGS AND SUBSTANCES

1. **Biological sample:** If there is reason to suspect that a pupil has been involved with drugs and/or substances, they may be asked to supply, under medical supervision, a biological sample (e.g. saliva, hair or urine) for analysis.
2. **Medical supervision:** The biological sample will be taken under supervision. 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* (June 2020) produced by the Medical Officers in Schools Association (MOSA):
 - 3.1. Care will be taken to make as certain as possible that the sample provided is genuine and uncontaminated;
 - 3.2. The pupil will be asked to sign various seals and documents which confirm that the specimens are theirs;
 - 3.3. The pupil will also be asked to sign a form which signifies that they are satisfied with the collection procedure and give consent for the results of the test being made available to the Head.
4. **Medical record:** The outcome of the test, whether positive or negative, will not form part of the pupil's permanent medical record.
5. **Outcome:** When the School receives the laboratory report:
 - 5.1. Reasonable attempts will be made to notify the pupil and a parent;
 - 5.2. If the result is negative, any second sample will be destroyed immediately;
 - 5.3. If the result is positive, a second sample will be made available for independent analysis.

APPENDIX 4

**DECLARATION BY PARENTS/
GUARDIAN/EDUCATION GUARDIAN**

I/We the undersigned have read the School's policy on smoking, alcohol, drugs and substances, and this Appendix. For my/our part, I/we accept the Head's offer of a supportive regime for the above named pupil.

I/We undertake to co-operate with the regime in all respects and to pay the laboratory charges for each test.

Signed	
Full name	
Relationship to pupil	
Date	

Signed	
Full name	
Relationship to pupil	
Date	