

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

St James Senior Boys' School

from November 2018

Contents

1	Aims	3
2	Scope and application.....	3
3	Regulatory framework	3
4	Publication and availability	4
5	Definitions.....	4
6	Responsibility statement and allocation of tasks	5
7	Smoke free policy.....	5
8	Education and pastoral care	5
9	School rules.....	6
10	Investigation	7
11	Sanctions.....	8
12	Training	9
13	Risk assessment	9
14	Record keeping	9
15	Version control.....	9

Appendix

Appendix 1	Testing for alcohol	11
Appendix 2	Testing for drugs	12
Appendix 3	Supportive regime	13
Appendix 4	Declaration of parents / guardian / education guardian.....	14

1 **Aims**

- 1.1 This is the policy on smoking, alcohol and the misuse of drugs and substances of St James Senior Boys' School (**School**)
- 1.2 The aims of this policy are as follows:
 - 1.2.1 to promote safety, welfare and good physical and mental health;
 - 1.2.2 to promote a mature and moderate approach to the use of alcohol;
 - 1.2.3 to reduce the risk of alcohol-induced misconduct in and out of the School;
 - 1.2.4 to prevent smoking and the misuse of drugs and substances in and out of the School; and
 - 1.2.5 to keep drugs out of the School.

2 **Scope and application**

- 2.1 This policy applies to the whole School
- 2.2 This policy applies to all pupils at the School and at all times when a pupil is:
 - 2.2.1 in or at school;
 - 2.2.2 representing the School or wearing School uniform;
 - 2.2.3 travelling to or from School;
 - 2.2.4 on School-organised trips;
 - 2.2.5 associated with the School at any time.
- 2.3 This policy shall also apply to pupils at all times and places in circumstances where failing to apply this policy may:
 - 2.3.1 affect the health, safety or well-being of a member of the School community or a member of the public;
 - 2.3.2 have repercussions for the orderly running of the School; or
 - 2.3.3 bring the School into disrepute.
- 2.4 This policy applies to the:
 - 2.4.1 possession;
 - 2.4.2 use / consumption;
 - 2.4.3 supplyof tobacco, alcohol, drugs and substances.

3 **Regulatory framework**

- 3.1 This policy has been prepared to meet the School's responsibilities under the:

- 3.1.1 Education (Independent School Standards) Regulations 2014;
 - 3.1.2 Education and Skills Act 2008;
 - 3.1.3 Children Act 1989;
 - 3.1.4 Childcare Act 2006;
 - 3.1.5 Data Protection Act 2018 and General Data Protection Regulation (**GDPR**); and
 - 3.1.6 Equality Act 2010.
- 3.2 This policy has regard to the following guidance and advice:
- 3.2.1 Testing for substance misuse in schools (Medical Officers of Schools Association, October 2015);
 - 3.2.2 DfE and ACPO drug advice for schools (Department for Education and Association of Chief Police Officers, September 2012); and
 - 3.2.3 Searching, screening and confiscation: advice for schools (DfE, January 2018).
- 3.3 The following School policies, procedures and resource materials are relevant to this policy:
- 3.3.1 Behaviour and discipline policy
 - 3.3.2 Expulsion and removal: review procedure;
 - 3.3.3 Child protection and safeguarding policy and procedures
- ## 4 Publication and availability
- 4.1 This policy is published on the School website
 - 4.2 This policy is available in hard copy on request.
 - 4.3 A copy of the policy is available for inspection from the Deputy Headmaster during the School day.
 - 4.4 This policy can be made available in large print or other accessible format if required
- ## 5 Definitions
- 5.1 Where the following words or phrases are used in this policy:
- 5.1.1 References to the **Proprietor** are references to IEAL Board of Governors
 - 5.1.2 **Alcohol** means intoxicating liquor of all descriptions (including beer, cider, wine and spirits).
 - 5.1.3 **Biological sample** means a sample of breath, saliva, hair or urine provided by pupil in accordance with the procedures set out in this policy.
 - 5.1.4 **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.

5.1.5 **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 and electronic cigarettes.

6 Responsibility statement and allocation of tasks

6.1 The Proprietor has overall responsibility for all matters which are the subject of this policy.

6.2 To ensure the efficient discharge of its responsibilities under this policy, the Proprietor has allocated the following tasks:

Task	Allocated to	When / frequency of review
Keeping the policy up to date and compliant with the law and best practice	Deputy Headmaster	As required, and at least termly
Monitoring the implementation of the policy, relevant risk assessments and any action taken in response and evaluating effectiveness	Deputy Headmaster	As required, and at least termly
Maintaining up to date records of all information created in relation to the policy and its implementation as required by the GDPR	Head of Year	As required, and at least termly
Seeking input from interested groups (such as pupils, staff, parents) to consider improvements to the School's processes under the policy	Head of Year	As required, and at least annually
Formal annual review	Proprietor	Annually

7 Smoke free policy

7.1 The School operates a smoke free policy within its buildings, grounds and vehicles.

7.2 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.

8 Education and pastoral care

8.1 The School educates pupils to understand:

8.1.1 the effect and risks associated with alcohol and tobacco in relation to their health and well-being and the law; and

- 8.1.2 the use of illegal 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.
- 8.2 The School educates pupils about these issues through its PSHE curriculum, by means of personal development courses, Assemblies, by example and by discussion.
- 8.3 The School encourages pupils to discuss in confidence any anxieties they may have about use of tobacco, alcohol or drugs and substance abuse with their Form Teacher or another member of staff they feel comfortable speaking with. The School also has a counsellor in whose sessions sometimes these issues arise.
- 8.4 Matters brought into counselling by a pupil or his parents, in circumstances which are genuine, will 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 himself as a drug user and asks for help may be given the opportunity to reform his 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.
- 8.5 The School is alert to the potential need for early help for a child who misuses drugs or alcohol. A member of staff who has any concern about a pupil's welfare, or considers that a pupil may benefit from early help, should report this to the Designated Safeguarding Lead in accordance with the School's child protection and safeguarding policy and procedures.
- 8.6 From time to time the Headmaster, or the Heads of Year, will remind pupils (as a group or individually) of this policy, encouraging those who may need assistance to identify themselves so that the appropriate care can be provided

9 School rules

- 9.1 Pupils are forbidden from:
- 9.1.1 smoking inside or outside School premises, being in possession of tobacco while in the care of the School or supplying tobacco to other pupils;
- 9.1.2 any production, possession, use or supply of drugs and substances;
- 9.1.3 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;
- 9.1.4 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.
- 9.2 **Parents**
- 9.2.1 If parents attending School premises appear to be under the influence of drugs or substances or alcohol, 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.
- 9.2.2 If a member of staff suspects that a parent has driven or will drive whilst under the influence of drugs or alcohol, 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.

- 9.2.3 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 or drugs, the child will not be released into the care of the parent and the School's child protection procedures will be followed.

10 Investigation

10.1 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.

10.2 Searches for tobacco, alcohol, drugs and substances

- 10.2.1 School staff can search a pupil for tobacco, alcohol, drugs or substances with his / consent. The member of staff will consider the pupil's age and other factors when determining whether the pupil is capable of giving his consent.
- 10.2.2 A pupil may be searched without his consent for tobacco, alcohol, drugs or substances in accordance with the School's policy on searching and confiscation (see the procedures set out in the School's Behaviour and Discipline policy).

10.3 Testing

10.3.1 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:

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

10.3.2 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.

10.3.3 Alcohol

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

10.3.4 Drugs and substances

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

10.3.5 Consent

- (a) 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 is of sufficient maturity and understanding and gives his informed consent in writing.

- (b) 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.
- (c) If a pupil refuses to provide a biological sample he will be asked to say why he has refused. The School will be entitled to draw inferences from his 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.

10.3.6 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.

10.3.7 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.

10.4 Police involvement

10.4.1 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.

10.4.2 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.

10.5 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 the School's Behaviour and Discipline policy.

11 Sanctions

11.1 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.

11.2 The following guidelines will apply:

11.2.1 **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.

11.2.2 **Drugs: Anyone producing or supplying drugs or substances must expect to be expelled immediately even if he is about to sit public examinations.** Anyone possessing or using drugs must also expect to be expelled 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 expulsion. The Head is not obliged to offer a supportive regime.

12 Training

- 12.1 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.
- 12.2 The level and frequency of training depends on role of the individual member of staff.
- 12.3 The School maintains written records of all staff training.

13 Risk assessment

- 13.1 Where a concern about a pupil's welfare is identified, the risks to that pupil's welfare will be assessed and appropriate action will be taken to reduce the risks identified.
- 13.2 The format of risk assessment may vary and may be included as part of the School's overall response to a welfare issue, including the use of individual pupil welfare plans (such as behaviour, healthcare and education plans, as appropriate). Regardless of the form used, the School's approach to promoting pupil welfare will be systematic and pupil focused.
- 13.3 The Head has overall responsibility for ensuring that matters which affect pupil welfare are adequately risk assessed and for ensuring that the relevant findings are implemented, monitored and evaluated.
- 13.4 Day to day responsibility to carry out risk assessments under this policy will be delegated to Heads of Year and Deputy Head who have been properly trained in, and tasked with, carrying out the particular assessment.

14 Record keeping

- 14.1 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.
- 14.2 Sensitive personal information about pupils is disclosed only on a "need to know" basis with careful attention to pupils' rights and needs.
- 14.3 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.

15 Version control

Date of adoption of this policy	1 st December 2018
Date of last review of this policy	1 st December 2018
Date for next review of this policy	1st February 2020
Policy owner (SMT)	Deputy Headmaster – Charles Neave

[• Policy owner (Proprietor)]	[• name]
-------------------------------	----------

Appendix 1 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 and the Matron.
- 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

- 1 **Biological sample:** If, outside the context of confidential counselling, there is reason to suspect that a pupil has been involved with drugs or substances, he may be asked to supply, under medical supervision, a biological sample (saliva, hair or urine) for analysis.
- 2 **Medical supervision:** The biological sample will be taken under medical supervision. 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**):
 - 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 his;
 - 3.3 the pupil will also be asked to sign a form which signifies that he has been satisfied with the collection procedure and gives 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 a parent by telephone;
 - 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 3 Supportive regime

Full name of pupil	
Date	
Pupil's date of birth	
Age now	
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 expulsion, the Head 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.
Signed	

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 Head'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 £[• amount] plus VAT per test.

Signed	
Full name	
Relationship to pupil	
Date	

Signed	
Full name	
Relationship to pupil	
Date	