



**ST JAMES**  
Senior Boys' School

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

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**St James Senior Boys' School**

September 2022

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## 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 increase understanding about the implications and possible consequences of use and misuse of tobacco, alcohol, drugs and substances;
  - 1.2.3 to prevent smoking and the misuse of tobacco, alcohol, drugs and substances in and out of the School;
  - 1.2.4 to reduce the risk of alcohol, drug and substance related misconduct in and out of the School;
  - 1.2.5 to maintain a smoke-free environment where smoking (as defined below) is prohibited and keep unauthorised tobacco, alcohol, drugs and substances out of the School;
  - 1.2.6 to actively promote the rule of law;and
  - 1.2.7 to promote a school culture where high standards of behaviour pervade all aspects of school life, where pupils can learn in a calm, safe and supportive environment.

## 2 **Scope and application**

- 2.2 This policy applies to the whole School.
- 2.3 This policy applies to all pupils at the School and at all times when a pupil is:
  - 2.3.1 in or at School;
  - 2.3.2 representing the School or wearing School uniform;
  - 2.3.3 travelling to or from School;
  - 2.3.4 on School-organised trips;
  - 2.3.5 associated with the School at any time.
- 2.4 This policy shall also apply to pupils at all times and in all places in circumstances where failing to apply this policy may:
  - 2.4.1 affect the health, safety or well-being of a member of the School community or a member of the public;
  - 2.4.2 have repercussions for the orderly running of the School; or
  - 2.4.3 bring the School into disrepute.
- 2.5 It may therefore apply to parties outside of the School or conduct in the holidays.
- 2.6 This policy applies to the:
  - 2.6.1 possession (as defined below);

2.6.2 use / consumption (as defined below);

2.6.3 supply (as defined below)

of tobacco, alcohol, drugs and substances (as defined below), whether or not the activity may constitute a criminal offence.

### 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 Data Protection Act 2018 and UK General Data Protection Regulation (**UK GDPR**);

3.1.4 Equality Act 2010; and

3.1.5 Smoke-free (Premises and Enforcement) Regulations 2006.

3.2 This policy has regard to the following guidance and advice: [*Please check the links below to ensure the guidance is up to date*]

3.2.1 *Testing for substance misuse in schools* (Medical Officers of Schools Association, June 2020);

3.2.2 *DfE and ACPO drug advice for schools* (Department for Education and Association of Chief Police Officers, September 2012);

3.2.3 *Searching, screening and confiscation: advice for schools* (DfE, September 2022);

3.2.4 *Behaviour in schools: advice for headteachers and school staff* (DfE, September 2022);

3.2.5 *Drug penalties guidance* (Gov.uk); and

3.2.6 *PACE Code C 2019* (Home Office, November 2020)

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

3.3.1 Behaviour, rewards and school discipline policy;

3.3.2 Expulsion and removal: review procedure;

3.3.3 Safeguarding policy and procedures;

3.3.4 Pastoral Care policy for pupil welfare;

3.3.5 Administration of medicines and supporting pupils with medical conditions policy; and

3.3.6 Parent contract.

### 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 school office 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 Board of Trustees of the Independent Educational Association Limited.
  - 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 a pupil in accordance with the procedures set out in this policy.
  - 5.1.4 **Drugs and substances:** for the purposes of this policy these terms mean controlled drugs; psychoactive substances; substances intended to resemble drugs and / or the paraphernalia of drugs, such as (without limitation) any equipment, product or accessory intended or modified for making, using or concealing drugs; "legal" drugs i.e. those which can be obtained from a shop (including online); performance enhancing drugs; anabolic steroids; glue and other substances held or supplied in each case for purposes of taking / consuming and / or misuse.
  - 5.1.5 DSL means the School's Designated Safeguarding Lead or Deputy Designated Safeguarding Lead.
  - 5.1.6 **Tobacco** means any tobacco-related product and / or paraphernalia including cigarettes, cigars and pipes and any other smoking-related products such as tobacco and cigarette papers.<sup>1</sup>
  - 5.1.7 **Smoking** means smoking tobacco or anything containing tobacco, or smoking any other substance in a form in which it could be smoked. For the purpose of this policy, smoking also refers to the smoking or vaping of e-cigarettes, cig-a-likes, or electronic vapourisers.
  - 5.1.8 **Possession** means any items over which the pupil has or appears to have control – this includes clothing, desks, lockers and bags.
  - 5.1.9 **Supply** means providing or sharing (whether or not for money or other consideration) or facilitation of supply e.g. sale, exchange or sharing. It also includes the promotion / advertisement of supply.
  - 5.1.10 **Use** means the taking / consumption of tobacco, alcohol, drugs or substances.
  - 5.1.11 **Misuse** means the unauthorised taking / consumption of tobacco, alcohol, drugs or substance through which harm could occur and / or is in breach of the School rules and / or the law.
  - 5.1.12 **Substance abuse** means alcohol consumption or drug / substance taking which harms health and may be part of a wider spectrum of problematic or harmful behaviour.

## 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	Headteacher	As required, and at least annually
Monitoring the implementation of the policy, relevant risk assessments and any action taken in response and evaluating effectiveness	Headteacher	As required, and at least annually
Maintaining up to date records of all information created in relation to the policy and its implementation as required by the GDPR	Headteacher	As required, and at least annually
Seeking input from interested groups (such as pupils, staff, parents) to consider improvements to the School's processes under the policy	Headteacher	As required, and at least annually
Formal annual review	Chair of the Board of Governors	Annually

## 7 Smoking policy

- 7.1 The School operates a smoke free policy and a total smoking ban 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 and the circumstances set out in section 2 above.

## 8 School rules re smoking, alcohol and the misuse of drugs and substances

- 8.1 Pupils are forbidden from:
- 8.1.1 smoking inside or outside School premises, being in possession of tobacco, nicotine and nicotine substitutes, e-liquids, electronic cigarettes, cig-a-likes and/or vapourising devices while in the care of the School or supplying any such products to other pupils;
  - 8.1.2 bringing alcohol onto School premises or being in possession of alcohol without prior consent or obtaining or supplying alcohol to another, or being impaired by alcohol while on School premises or in the care of the School;

- 8.1.3 any production, possession, use or supply of drugs and substances;
- 8.1.4 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 relevant time.

## 8.2 Parents

- 8.2.1 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 DSL.
- 8.2.2 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 DSL or a member of the senior management team who may telephone the police.
- 8.2.3 If the DSL 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.

## 9 Education and instruction

- 9.1 The School educates pupils to understand:
  - 9.1.1 the effect and risks associated with the use of alcohol, tobacco, drugs and substances in relation to their health and well-being and the law; and
  - 9.1.2 possible criminal offences relating to their use and that the use of illegal drugs will be harmful to their health, integrity, independence, opportunities and careers and will damage the society in which they live.
- 9.2 The education of pupils about alcohol, tobacco, drugs and substances and their dangers forms part of the School's programme of personal, social and health education (**PSHE**) and within the framework of the overall pastoral care policy. It includes classroom teaching, group discussions and talks by experts from outside the School.
- 9.3 Matters brought into counselling by a pupil or their 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 herself as a drug user and asks for help may be given the opportunity to reform their 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.
- 9.4 All members of staff receive training about alcohol, tobacco, drugs and substances so that they are alert to the warning signs of drug misuse and can respond appropriately when pupils seek advice or assistance.
- 9.5 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 DSL in accordance with the School's Child protection and safeguarding policy and procedures.
- 9.6 From time to time the Headmistress, Deputy Head (Pastoral) or the Heads of Section, 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.

## 10 Advice and assistance

- 10.1 Pupils are encouraged to discuss their anxieties about their own or others' use of alcohol, tobacco, drugs and substances in confidence with a member of staff or other responsible adult. They will be offered support within the School and can also have access to information about outside agencies able to provide advice, support and assistance. Accredited counselling services can be recommended by the School to a pupil in appropriate circumstances, generally after consultation with his / her their parents.
- 10.2 Parents themselves are asked to inform the Head teacher if they have any reason to think that their child may have been involved with alcohol, tobacco, drugs and substances, so that suitable advice, support and assistance can be given. If a parent reports their child as a user of nicotine, alcohol, drugs or substances or a pupil themselves does so and asks for help, the pupil is likely to be given at least one opportunity to reform their behaviour with appropriate support.
- 10.3 Taking disciplinary action under this policy and providing appropriate support are not mutually exclusive actions. The School will have regard to the individual circumstances of each child and each case when considering the appropriate response to a breach of the rules set out in this policy, and will also consider proportionality, consistency and fairness.
- 10.4 Each case will be given careful consideration in light of its individual circumstances. Support will always be offered and the Head will consider appropriate strategies to help the pupil understand the behaviour expectations of the School and how to comply with them.
- 10.5 The Head will make a decision as to whether or not the school's disciplinary procedure is to be followed and whether or not, to request that the pupil agrees to engage with a formal programme which may include: counselling, re-education and testing.

## 11 Child protection risk assessment

- 11.1 The School will consider whether a breach of this policy gives cause to suspect that a pupil is suffering, or is likely to suffer harm. Where this is the case, the member of staff should report this to the DSL in accordance with the School's safeguarding and child protection policy and procedures who will in turn consider an early help intervention or a referral to Children's Social Care.
- 11.2 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.
- 11.3 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) or its usual safeguarding information system. Regardless of the form used, the School's approach to promoting pupil welfare will be systematic and pupil focused and that any measures put in place are regularly reviewed.
- 11.4 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, evaluated and reviewed.
- 11.5 Day to day responsibility to carry out risk assessments under this policy will be delegated to Deputy Head (Pastoral) who has been properly trained in, and tasked with, carrying out the particular assessment.



## 12 Investigation

12.1 Every complaint, allegation, 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, rewards and school discipline policy.

12.2 If the findings of the investigation support the allegation, complaint or rumour or observation of pupil behaviour, a disciplinary meeting will usually be held, in accordance with the procedures set out in Appendix 3 of the School's Behaviour, rewards and school discipline policy.

### 12.3 Searches for tobacco, alcohol, drugs and substances

12.3.1 School staff can search a pupil for tobacco, alcohol, drugs or substances if they agree. The member of staff should ensure the pupil understands the reason for the search and how it will be conducted so that their agreement is properly informed.

12.3.2 When exercising their powers, consideration will be given to the age and need of the pupil being searched, including the individual needs or learning difficulties of pupils with Special Educational Needs (SEN) and making reasonable adjustments that may be required where a pupil has a disability.

12.3.3 If a pupil refuses to co-operate with a search, school staff should assess whether it is appropriate to use reasonable force to conduct a search without their co-operation and in accordance with the School's policy on searching and confiscation (see the procedures set out in Appendix 6 of the School's Behaviour, rewards and school discipline policy) and/or to consider disciplinary action<sup>2</sup> and/or to consider disciplinary action as a consequence.

### 12.4 Testing

12.4.1 A pupil reasonably 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.

#### 12.4.2 Alcohol

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

#### 12.4.3 Drugs and substances

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

12.4.4 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.

### 13 **Consent to testing**

- 13.1 The relevant consent to a test is that of the pupil rather than their parent(s) provided that they are of sufficient maturity and understanding and gives 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.
- 13.2 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 or other person.
- 13.3 If a pupil refuses to provide a biological sample they will be asked to say why they have refused. Where the pupil is of sufficient maturity, the School will be entitled to draw appropriate 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, or their child refuses to cooperate in spite of their consent, the School may only draw appropriate inferences from the pupil's general demeanour.
- 13.4 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.

### 14 **Police involvement**

- 14.1 The School is usually required to notify the police and / or relevant agencies of actual or alleged criminal activity.
- 14.2 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. The School will be required to notify the police and / or relevant agencies of actual or alleged criminal activity in many circumstances.<sup>3</sup>
- 14.3 The DSL will take a lead role in all cases where a pupil is detained and questioned by the Police, to ensure that the pupil is supported by an appropriate adult in line with PACE Code C (Code of Practice for the detention, treatment and questioning of persons by Police Officers). The role of the appropriate adult is to:
- 14.3.1 support, advise and assist the pupil when they are given or asked to provide information or participate in any procedure;
  - 14.3.2 observe whether the police are acting properly and fairly to respect the pupil's rights and entitlements, and inform an officer of the rank of inspector or above if they consider that they are not;
  - 14.3.3 assist the pupil to communicate with the police whilst respecting their right to say nothing unless they want to; and
  - 14.3.4 help them to understand their rights and ensure that those rights are protected and respected.
- 14.4 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.

- 14.5 If the School seizes a controlled drug, it must deliver the drug to the police as soon as reasonably practicable, or dispose of it if they believe there is a good reason to do so. Substances suspected to be controlled drugs will be dealt with in the same manner.
- 14.6 Other substances considered to be harmful or detrimental to good order and discipline will be confiscated. A Senior member of staff will take account of all relevant circumstances and use their professional judgement to determine whether they can safely dispose of the seized substance.
- 14.7 The School will retain, dispose or destroy tobacco, alcohol, smoking equipment.

## 15 Sanctions

- 15.1 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, rewards and school discipline policy. In addition, consideration will be given to appropriate support for the pupil as disciplinary action and supportive measures will not be mutually exclusive.
- 15.2 The following guidelines as to sanctions will apply:
- 15.2.1 **Tobacco and alcohol:** Sanctions will be applied in accordance with the School's Behaviour, rewards and school discipline policy. For a serious breach or persistent breaches, a pupil may be expelled or removed from the School.
- 15.2.2 **Drugs:** Sanctions will be applied in accordance with the School's Behaviour, rewards and school discipline policy. Any pupil producing or supplying drugs or substances should expect to be expelled even if they are about to sit public examinations.

## 16 Training

- 16.1 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 smoking, alcohol and drug misuse, understand what is expected of them by this policy and have the necessary knowledge and skills to carry out their roles and respond appropriately when pupils seek advice or assistance.
- 16.2 The school will ensure that a sufficient number of staff are appropriately trained in how to lawfully and safely search a pupil who is not co-operating, so that these trained staff can support and advise other members of staff if this situation arises.
- 16.3 The level and frequency of training depends on role of the individual member of staff.
- 16.4 The School maintains written records of all staff training.

## 17 Record keeping

- 17.1 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.
- 17.2 Sensitive personal information about pupils is disclosed only on a "need to know" basis with careful attention to pupils' rights and needs.
- 17.3 The records created in accordance with this policy may contain personal data. The School's use of this personal data will be in accordance with data protection law. The School has published privacy notices on its website which explains how the School will use personal data.

18 **Version control**

Date of adoption of this policy	1 September 2022
Date of last review of this policy	August 2022
Date for next review of this policy	July 2023
Policy owner (SMT)	Headteacher
Policy owner (Proprietor)	Chair of the Board of Governors

## 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 School Nurse.
- 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 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 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 (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 also 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* (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 hers;
  - 3.3 the pupil will also be asked to sign a form which signifies that they have 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 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 3 Testing programme

<b>Full name of pupil</b>	
<b>Date</b>	
<b>Pupil's date of birth</b>	
<b>Age now</b>	
1	I have admitted to using a drug or substance in breach of the School's smoking, alcohol and drugs policy and disciplinary rules.
2	I agree that I am likely to benefit from advice, assistance and support in order to meet the required standards of behaviour expected of me as a pupil at the School.
3	I agree to participate in a testing regime administered by the School.
4	For the next [one/ three / six] school terms], I acknowledge that I may at any time be asked to provide a [saliva / hair / urine] or other sample for analysis in accordance with the procedures described in the policy.
5	I understand that I may be asked to provide a sample at any reasonable time even if no grounds exist at that time to suspect that I have been involved with drugs and / or substances.
6	The Head has also offered me [● detail here any other advice, assistance or support which will form part of the individual package for the pupil].
7	I agree to be subject to this regime and to engage positively and co-operate with the School about it.
8	I understand that the School will take all reasonable care to preserve my confidentiality and human rights in the operation of this regime.
9	I also understand that if without good reason I fail to co-operate with this programme or if a test proves positive, it is likely that I will 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 smoking, alcohol and the misuse of drugs and substances, and this Appendix. For my / our part, I / we accept the Head's offer of a testing programme 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.

<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>	