



# STREATHAM & CLAPHAM HIGH SCHOOL

## Drugs, alcohol and tobacco Dealing with involving pupils - Guidance

Person(s) responsible for this policy		GDST, Deputy Head Mistress	
Last review by	GDST R Hinton	Review date	September 2022
Date of next review		September 2025 or as updated by GDST	

### 1. Introduction

- 1.1 This guidance complements the revised GDST drugs, alcohol and tobacco policy. The guidance aims to support schools in relation to the development of their own individual policies and provide clear procedures for dealing with drug-related incidents.
- 1.2 Annex A contains recommended procedures for schools for dealing with drug-related incidents.
- 1.3 Annex B contains procedures which need to be followed for searching and confiscation, and which will form part of the GDST exclusions policy.

### 2. Drug-related incident

- 2.1 Any issue relating to drugs being (or potentially being) used, bought, sold, distributed, promoted, or held, either on or off school premises, including any disclosure, suspicion or allegation relating to drugs.
- 2.2 Drugs are defined by the Department for Education (DfE) as:
  - All illegal drugs (those controlled by the Misuse of Drugs Act 1971);
  - All legal drugs, including alcohol, tobacco, volatile substances (those giving off a gas or vapour which can be inhaled), khat and alkyl nitrites (known as poppers); and
  - All over-the-counter and prescription medicines.
- 2.3 Legal highs: New psychoactive substances (NPS) or 'legal highs' are substances designed to mimic the effect of illegal drugs but are structurally different to avoid being classified as illegal substances. For the avoidance of doubt GDST recognises legal highs as drugs.

### 3. Context of guidance

- 3.1 The GDST has updated its policy to reflect developments in the types of substances being used by young people, and to take account of current government guidance.
- 3.2 It is important to strike a balance between sending a clear 'zero tolerance' message, whilst also recognising our duty to promote and ensure the health, safety and well-being of pupils (both the individual pupil, and other members of the school community as a whole), meeting our safeguarding duties, and supporting those who may be particularly vulnerable to drugs. We must of course also remain mindful of the reputation of the school and the GDST.

#### **4. Individual school policies and procedures**

- 4.1 Each school should develop and keep under review its own policy, which must be consistent with the overarching GDST drugs, alcohol and tobacco policy.
- 4.2 It is advised that schools develop a whole school approach to drugs, reflected within the individual school policy, in consultation with pupils, staff, parents and the wider community.
- 4.3 The school policy should make disciplinary sanctions clear; see further guidance on disciplinary sanctions below.
- 4.4 Each school must designate a senior member of staff with responsibility for drug-related incidents, and a deputy to act in their absence. They will be responsible for the policy and liaising with local police and other support services as appropriate. This will usually be the school's designated safeguarding lead (DSL).
- 4.5 Schools should set out procedures for dealing with drug-related incidents. Recommended procedures are set out below.
- 4.6 Search and confiscation procedures are set out below. These must be followed by schools. The search and confiscation procedures are also annexed to the GDST exclusions policy.
- 4.7 Schools should check the list of items banned in the school rules/behaviour and discipline policy. This should identify items for which the school may carry out a search without consent and will be classed as prohibited items (see annex B).
- 4.8 Schools may want to set out their policy for dealing with the storage, disposal and safety of suspected drugs, tobacco or alcohol and guidance for staff.
- 4.9 Policies should include details and contact information for all local sources of support including in relation to drugs, alcohol and tobacco.

4.10 The policy should be dated, kept under regular review, and should be cross-referred with the GDST drugs, alcohol and tobacco policy, safeguarding and child protection policies, the administration of medicines policy, the GDST drug testing protocol for pupils, the school's behaviour and discipline policy, and policies relating to educational visits.

4.11 Relevant staff with responsibility for the policy should ensure they are familiar with the relevant government guidance. At the date of writing these include:

DfE and ACPO Drug Advice for Schools 2012 which includes a suggested Drug Policy Framework, and a list of useful organisations for reference <http://webarchive.nationalarchives.gov.uk/20130401151715/https://www.education.gov.uk/publications/standard/publicationDetail/Page1/DFE-00001-2012>

Welsh Assembly Government Guidance on Substance Abuse Education 2013 <http://wales.gov.uk/topics/educationandskills/schoolhome/wellbeing/substance-misuse/?lang=en>

## **5. Additional steps for schools**

5.1 Appropriate staff training should be put in place to ensure awareness of relevant issues, such as how to identify potential drug-related incidents, and the safeguarding issues noted below. In particular, schools should consider appropriate training for those designated with responsibility for drug-related incidents, and for those authorised to carry out searches.

5.2 Schools should keep under review the delivery of their drug-education programme, through the curriculum, science, PE (performance enhancing drugs), PSHE, English and Drama, school counsellors/nurses, and involving external agencies and speakers as appropriate.

5.3 It is advised that schools establish relationships with local children and young people's services, health services, and voluntary sector organisations, as appropriate, to ensure support is available to pupils affected by drug misuse, including parental drug or alcohol problems.

## **Annex A**

### **Recommended procedures for dealing with a drug-related incident**

#### **1. Steps**

1.1 Medical Emergencies: Firstly consider if there is any medical emergency. The safety of the individual and those around them is paramount. The utmost priority in any drug related situation must be on safety, and any medical emergencies should be met immediately with first aid, and summoning appropriate help, before addressing the wider issues.

Anyone who is unconscious, having trouble breathing, confused, or disorientated, or who has taken a potentially harmful substance / may be under the influence of a drug, should be responded to as an emergency. If there is any doubt, medical assistance should be immediately obtained.

1.2 Report: The incident must be reported to the staff member responsible for dealing with drug-related incidents (see above) as soon as possible. At this stage the school may wish to consider contacting the pupil's parents if it was felt to be beneficial and would not prejudice an investigation.

1.3 Investigation: The school should carry out an appropriate investigation into the drug-related incident under the exclusions policy. In addition to questioning relevant individuals, this may involve issues of searching, confiscation, and potentially the use of reasonable force, all of which are discussed further in the notes below.

1.4 Disciplinary sanction: Following the investigation, the school should consider what disciplinary sanction is appropriate in the circumstances (see further below), and agree this with the appropriate senior leaders in accordance with the school's behaviour and discipline policy and procedures. Parents will be informed of any disciplinary sanction.

1.5 Safeguarding: If there is a safeguarding issue, the safeguarding policy should also be followed. See more below.

1.6 Confiscation: A decision should be made as to what to do with drugs (and any other prohibited items) found, with reference to the relevant guidance. Schools may want to set out in their policies where / how items should be stored e.g. placed in sealed bags, labelled with date, time, member of staff etc., and locked in a particular cabinet. See further guidance below.

1.7 Report to police / referral other authorities or support services: consider whether there should be any involvement of the police or others - notes below.

1.8 Record of incident: a written record of the incident should be completed as soon as possible, signed by the relevant staff.

## **2. Safeguarding**

- 2.1 In dealing with drug-related issues, schools must be aware of their duties relating to safeguarding pupils. In particular, staff must be aware that drug, alcohol, and substance misuse can be a sign of emotional and sexual abuse.
- 2.2 Schools should ensure that staff are aware of signs which might indicate that a pupil is either particularly vulnerable to the misuse of drugs, and the signs which suggest they are in fact using drugs, or that a member of their family is using drugs. Any such concerns should then trigger a report to the Designated Safeguarding Lead (DSL) in accordance with the Safeguarding Policy, who should liaise as appropriate with the person responsible for dealing with drug-related incidents (if this is a different person).
- 2.3 Consideration should be given as to whether any other support, referral or needs assessment is appropriate in the particular circumstances, to safeguard the well-being of the pupil. Schools must consider the best interests of the young person, who may need support, and of any other pupils who may have been affected by the incident.

## **3. Information Sharing and Consent**

- 3.1 Schools should be aware of the guidance on confidentiality, information sharing and consent set out in the GDST safeguarding procedures when considering the need to share information with third party agencies for reasons connected with the safeguarding or well-being of a child.
- 3.2 If staff have a safeguarding concern including any concern about the well-being of a pupil, and are unsure about whether or how to share information appropriately, guidance should be sought from:
  - The local authority designated officer (LADO), which can be on a no names basis
  - The Legal department at Trust office
  - Information sharing government guidance:  
<http://www.education.gov.uk/childrenandyoungpeople/strategy/integratedworking/a0072915/information-sharing>
  - ICO - Data sharing code of practice May 2011  
[http://www.ico.org.uk/for\\_organisations/data\\_protection/topic\\_guides/~media/document\\_s/library/Data\\_Protection/Detailed\\_specialist\\_guides/data\\_sharing\\_code\\_of\\_practice.ashx](http://www.ico.org.uk/for_organisations/data_protection/topic_guides/~media/document_s/library/Data_Protection/Detailed_specialist_guides/data_sharing_code_of_practice.ashx)

## **4. Disciplinary Sanctions**

- 4.1 Disciplinary sanctions are covered in the GDST drugs, alcohol and tobacco policy.
- 4.2 It is best practice to make a written report in relation to any drug-related incident investigation, including in particular where a search is carried out (and a record must be made where reasonable force is used).

- 4.3 Broadly the overall policy is one of zero tolerance that schools will treat drug-related incidents with the utmost seriousness and action will reflect this up to and including permanent exclusion in accordance with the GDST exclusions policy and schools' behaviour policies.
- 4.4 In some instances a fixed period exclusion may be appropriate given the circumstances of the case. This may be accompanied by a requirement to comply with subsequent random drugs testing at the pupil's/parents' expense in accordance with the GDST drug testing protocol for pupils.
- 4.5 There may be exceptional cases in which it will not be appropriate for the normal disciplinary sanctions to apply.
- 4.6 In determining the appropriate sanction, schools should also have regard to their behaviour and discipline policy and related GDST guidance, the GDST and school exclusions policy, and any matters relating to safeguarding and the wellbeing of the pupil.
- 4.7 Note that it may be worth checking that the school's behaviour and discipline policy includes items banned by the school (or reference to where these are listed), items for which a search may be carried out, and state the implications in terms of disciplinary penalty of a refusal to be searched with consent.

## 5. Record keeping

- 5.1 It is best practice to make a written report in relation to any drug-related incident investigation, including in particular where a search is carried out (and a record must be made where reasonable force is used).
- 5.2 The report should be written up as soon as possible after the event, and signed and dated by all staff present. If the record includes any safeguarding information, then this should be held on a separate confidential file. Regard should also be had to the guidance on confidentiality, information sharing and consent, set out in the GDST safeguarding procedures, and in the guidance referred above.
- 5.3 The template below gives suggestions as to what the record might contain:

Date / Time	
Name	
Location	
Person/Property Searched	Include any specifics, such as if the pupil was asked to remove their coat.
Person conducting search	Include if possible in the note that this person is authorised. e.g. X, authorised by the Head.

Other staff in attendance	
Reason for search	e.g. X overheard Y telling Z that ..
Consent	Give details of any consent / what was explained if any concern regarding informed consent
Outcome of search	What was found (even if nothing), what was done with any items found.
Follow up actions	<ul style="list-style-type: none"> <li>• Note if the police are being informed</li> <li>• Note if parents are being informed</li> <li>• Action being taken under the Behaviour/Discipline Policy</li> <li>• Items being disposed of / given to police / parents</li> <li>• Any pastoral or other support</li> </ul>
Signed	
Dated	

## **Annex B**

### **Search and confiscation**

#### **1. Introduction**

1.1 Investigation into drug-related incidents may involve a decision as to whether or not it is reasonable and proportionate to carry out a search, whether to use reasonable force, whether to confiscate or dispose of any item found, whether to inform parents, and whether to inform the police.

1.2 Detailed guidance is provided in the DfE 'Screening, searching and confiscation' February 2014:

[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/279245/searching\\_screening\\_confiscation\\_advice\\_feb14.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/279245/searching_screening_confiscation_advice_feb14.pdf)

1.3 Some of the key points are set out below for ease of reference.

#### **2. Power to search**

##### **2.1 With consent**

There is a power to search pupils for any item with their consent. However, schools should be aware of the potential issues as to whether the child was able to understand the implications and therefore give "informed consent".

##### **2.2 Without consent**

Heads and authorised staff have a statutory power to search without consent, where they have reasonable grounds for suspecting that a pupil may have a "prohibited item".

Prohibited items are:

- knives or weapons
- alcohol
- illegal drugs
- stolen items
- tobacco and cigarette papers
- fireworks
- pornographic images
- any article that the member of staff reasonably suspects has been, or is likely to be, used to commit an offence, or

- to cause personal injury to, or damage to the property of, any person (including the pupil)
- and
- any item banned by the school rules which has been identified in the rules as an item which may be searched for.

Subject to the search rules below, schools can search clothes and possessions (any goods over which the pupil has or appears to have control), including desks and lockers.

### **3. Search rules**

- 3.1 There must be reasonable grounds for suspecting a pupil is in possession of a prohibited item.
- 3.2 Staff must be the same sex as the pupil searched and a witness (also of the same sex if at all possible) should also be present, unless it is reasonably believed that there is a risk of serious harm which will be caused to a person if the search is not conducted immediately, and where it is not reasonably practicable to summon another member of staff.
- 3.3 It is important to record the basis for reasonable grounds for the search e.g. staff heard other pupils, that pupil discussing the item, suspicious behaviour of a pupil.
- 3.4 Location: Searches without consent can only be carried out on school premises, or if elsewhere, where the member of staff has lawful control or charge of the pupil, e.g. on trips.
- 3.5 Searches can be of clothes and possessions (any goods over which the pupil appears to have control including pockets, bags, desks and lockers). However, you cannot require a pupil to remove any clothing other than outer clothing (not worn next to skin).
- 3.6 Heads may want to:
- 3.6.1 Consider setting out in their local policies or internally who is authorised to carry out searches, although staff can of course be authorised on a case by case basis;
  - 3.6.2 Consider whether authorised staff require additional training for this - Heads cannot require staff (other than security staff) to carry out a search; and
  - 3.6.3 Check that it is clear in the school's Behaviour and Discipline Policy the items which are banned, and the items for which a search may be carried out.

### **4. Informing parents/guardians**

- 4.1 Schools are not required to inform parents before a search takes place, or to seek their consent to search their child. However, schools may take the view that it would be appropriate to involve parents/guardians prior to the search, to avoid allegations, for example, that the child could not give informed consent, or was "ambushed".
- 4.2 As a matter of best practice, and except as noted below, schools should inform parents/guardians\* where alcohol, drugs, or potentially harmful substances are found.

\*An exception to this is if there may be a safeguarding reason as to why it may not be in the best interests of the child for parents/guardians to be informed. In such cases, the DCPO should liaise with the LADO in accordance with the safeguarding policy and GDST safeguarding procedures, and act in accordance with this advice. Advice can also be sought from the Legal department at Trust office.

## 5. Use of reasonable force

- 5.1 It is worth reiterating the guidance on the use of reasonable force from the GDST safeguarding procedures, as this may be relevant in the context of either a search without consent, or if there is a concern that a pupil may be harmed if action is not taken:

Teachers (and other staff and volunteers with the Head's permission) are entitled to use reasonable force to control or restrain pupils, but must not use force as a punishment. This entitlement applies not only whilst on school premises but also whenever a teacher (or other person with the Head's permission) has lawful control or charge of pupils.

In addition to the general power to use reasonable force, Heads and authorised staff can "use such force as is reasonable in the circumstances for exercising that power" in relation to a search for prohibited items including illegal drugs, tobacco and cigarette papers. However force cannot be used to search for items banned under the school rules, and not otherwise in the list of prohibited items.

Safe methods of reasonable force must be used for the *shortest period of time* necessary and with the *minimum amount of force necessary to achieve the desired result*.

Force should only be used when:

- The potential consequences of not intervening is sufficiently serious to justify considering use of force
- The chances of achieving the desired result by other means were low;
- The risks associated with not using force outweighed those of using force; and
- Only the minimum force necessary to achieve the desired result should be used.

All incidents involving use of restraint must be reported and recorded in accordance with the school's own internal policies and procedures.

5.2 For further information schools should refer to the DfE guidance on Use of Reasonable Force 2012:

<http://www.education.gov.uk/aboutdfe/advice/f0077153/use-of-reasonable-force>.

## 6 Confiscation / what to do with items found

6.1 As a general rule, school staff can seize any prohibited item found as a result of a search, and any item however found which they consider harmful or detrimental to school discipline.

6.2 Items can be confiscated, retained or disposed of as a disciplinary penalty, when it is reasonable to do so.

6.3 Specific items:

6.3.1 Where **illegal drugs** are found, these should generally be delivered to the police as soon as possible, but may be disposed of if the person thinks there is good reason to do so.

6.3.2 Where **other substances** not believed to be illegal drugs are found, these can be confiscated where believed to be harmful or detrimental to good order and discipline.

6.3.3 **Stolen items** must be delivered to the police as soon as reasonably practicable, but may be returned to the owner if it is thought there is a good reason to do so.

6.3.4 Where alcohol, tobacco or cigarette papers are found, the school may retain or dispose of these items, but not return them to the pupil.

6.4 Regard should be had to the Screening, Searching and Confiscation guidance referred to above, which sets out guidance as to what should be done with various types of item found.

## 7 Police

7.1 When determining what is a good reason for not delivering illegal drugs or stolen items to the Police, the member of staff should take into account all relevant circumstances and use their professional judgement to determine whether they can safely dispose of the article/substance.

7.2 The possession, supply, or taking of drugs may involve a criminal offence, and effective liaison with the police may help in the appropriate handling of such incidents. The police would not normally need to be involved in cases of legal drugs, but schools may wish to inform trading standards or the police about the inappropriate sale or supply of tobacco, alcohol, legal highs or volatile substances to pupils in the local area.

7.3 The law does not require the school to inform the police of the name of the pupil from whom the drugs were taken, but the guidance advises this.