

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

Queen's College, Taunton

August 2019 (v.2)

1 Introduction

- 1.1 **Application:** This policy applies to all pupils at the School irrespective of their age. The policy may also apply at times when a pupil is not in the care of the School. The procedures and sanctions may be adapted as appropriate to meet the policy aims and the circumstances of each case. Certain of the procedures can only be carried out during term time.
- 1.2 **Scope:** This policy is available to parents and pupils on request. The policy relates to possession and consumption of alcohol and tobacco and the misuse of controlled drugs and other substances.

2 Terminology

- 2.1 **Alcohol:** Means intoxicating liquor of all descriptions (including beer, cider, wine and spirits) and this policy covers obtaining, consuming, and supplying alcohol.
- 2.2 **Biological sample:** Means a sample of breath, saliva, hair or urine provided by pupil in accordance with the procedures set out in this policy.
- 2.3 **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, Nitrous Oxide (NOS), cannabidoil (CBD) infused products and other substances held or supplied in each case for purposes of misuse. This policy covers the possession, use and supply of such substances.
- 2.4 **Tobacco:** Means any tobacco-related product and paraphernalia including cigarettes, cigars and pipes and any other smoking related products such as nicotine substitutes and electronic cigarettes.
- 2.5 **Energy Drinks:** An energy drink is a type of drink containing sugar and stimulant compounds, usually caffeine, which is marketed as providing mental and physical stimulation (marked as "energy", but distinct from food energy and sports drinks that are advertised to enhance sports performance).
- 2.6 **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.

3 Policy

- 3.1 **Aims:** The central aims of this policy are:
- 3.1.1 to promote safety, welfare and good physical and mental health;
 - 3.1.2 to promote a mature and moderate approach to the use of alcohol;
 - 3.1.3 to reduce the risk of alcohol-induced misconduct in and out of the School;
 - 3.1.4 to prevent smoking in and out of the School;
 - 3.1.5 to keep drugs out of the School.
- 3.2 **Education:** We educate pupils to understand the effect and risks associated with alcohol and tobacco in relation to their health and well-being and the law and that 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. We educate by means of personal development courses, by example and by discussion.

- 3.3 **Pastoral care:** We encourage 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 counsellor. Matters brought into counselling by a pupil or his / her parents, in circumstances which are genuine, will be "ring-fenced" from disciplinary sanctions, but a pupil who contravenes this policy will face disciplinary sanctions. 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.
- 3.4 **School Rules:** The Rules forbid a pupil from:
- 3.4.1 smoking inside or outside School premises, being in possession of tobacco while in the care of the School or supplying tobacco to other pupils;
 - 3.4.2 any production, possession, use or supply of drugs and substances;
 - 3.4.3 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;
 - 3.4.4 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. Action will be taken when the welfare of any member of the School community or the reputation of the School is affected.
 - 3.4.5 Bringing energy drinks onto the school site and/or consuming them on school premises.
- 3.5 **Detection:** Every complaint, report, or observation in relation to tobacco or alcohol or involvement with drugs and substances will be followed up and investigated. A pupil suspected of such involvement may be suspended pending the outcome of an investigation.
- 3.6 **Sanctions:**
- 3.6.1 **Tobacco and alcohol:** Sanctions will be applied in accordance with the School's Behaviour and Discipline Policy. For a serious breach or persistent minor breaches, a pupil may be required to leave the School permanently.
 - 3.6.2 **Drugs: Anyone producing or supplying drugs or substances must expect to be expelled immediately even if he / she is about to sit public examinations.** Anyone possessing or using drugs must also expect to be expelled but 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.
- 3.7 **Staff Training:** Staff will be trained on how to recognise and manage issues involving tobacco, alcohol, drugs and substances.
- 3.8 **Parents:** 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. 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. 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.

4 **Searches for tobacco, alcohol, drugs and substances**

- 4.1 **Searches with consent:** School staff can search pupils for tobacco, alcohol, drugs or substances with their 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.
- 4.2 **Searches without consent:** The Head and staff authorised by the Head may search a pupil or a pupil's possessions without their consent where they have reasonable grounds for suspecting that a pupil has tobacco, alcohol or drugs or substances in their possession. See Appendix 4 of the School's Behaviour and Discipline Policy on searching and confiscation.
- 4.3 **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.

5 **Testing**

- 5.1 **Biological sample:** 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:
- 5.1.1 to deter breaches of School discipline;
 - 5.1.2 to identify users;
 - 5.1.3 to 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.
- 5.2 **Informed 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.
- 5.3 **Notifying parents:** 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.
- 5.4 **Alcohol:** See Appendix 1 for details of the testing procedure for alcohol.
- 5.5 **Drugs and substances:** See Appendix 2 for details of the testing procedure for drugs and substances.

5.6 **Refusal:** 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.

5.7 **Confidentiality and data protection:** Sensitive personal information about pupils is disclosed only on a "need to know" basis with careful attention to pupils' rights and needs.

6 **Subsequent action**

6.1 **Procedure:** The School will treat a non-negative test, although not infallible, as evidence that the pupil has consumed alcohol or been using drugs or substances, as appropriate. Where there is a non-negative test, or where the pupil refuses to provide a sample to be tested, a meeting will be arranged at which:

6.1.1 the pupil will be asked to attend a meeting with the Head Teacher or, in her absence a senior member of staff nominated by her. The pupil's parents or a member of the School staff chosen by him / her to assist him / her may also attend the meeting;

6.1.2 all relevant evidence, including the non-negative test result where applicable, will be put to the pupil and he / she will be invited to respond;

6.1.3 his / her response will be heard and considered and further enquiries will be made if necessary.

When the investigation has been concluded, outside of the meeting if necessary, the Head will, on the civil standard of proof, namely, the "balance of probabilities", make a finding of fact based on the evidence and supported by reasons in accordance with the School's disciplinary policy.

6.2 **Sanction:** If the Head's decision after considering all the material evidence is that the pupil has consumed alcohol / been using drugs or substances (as applicable), at the meeting or a later meeting if further investigation was necessary, the Head will outline the range of sanctions he / she is considering, hear mitigating circumstances and consider the pupil's academic and disciplinary record and the extent to which he / she has co-operated, before deciding on the sanction.

6.3 **Review:** If the pupil is Expelled or Removed, he / she and his / her parents have the right to request a Review of the decision in accordance with the School's Expulsion, Removal and Review Policy.

7 **Monitoring**

7.1 This policy will be reviewed:

7.1.1 following any serious incident involving pupils and alcohol or drugs and substances

7.1.2 following the issue of any new guidance from the Department for Education (DfE)

7.1.3 in any event, annually.

7.2 The review will be carried out by the Deputy Head, who will also evaluate the effectiveness of education on these matters in the School.

Effective date of the policy	30 August 2019
SLG Responsible Member	Andrew Free, Deputy Head

Authorised by	Board of Governors
Signed	Mark Edwards, Chair of Governors
Date	30 August 2019

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 School Nursing Team and/or the College Leadership Group.
- 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 / she 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 *Guidelines for Testing for Substance Misuse in Schools* 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 / hers;
 - 3.3 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 Head.
- 4 **Medical record:** The outcome of the test, whether non-negative 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 non-negative, 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:
3	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;
4	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.
5	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.
6	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 £10 plus VAT per test.

Signed	
Full name	
Relationship to pupil	
Date	

Signed	
Full name	
Relationship to pupil	
Date	