

SUBSTANCE USE AND MISUSE (DISCIPLINE) POLICY

Aims

The purpose of this policy is to outline Whitgift School's disciplinary policy in relation to substance use and misuse, including the use and misuse of legal and illegal drugs. It aims to provide a fair approach which recognises the needs of individuals, as well as those of the School community.

Information on the School's policy on effective education around substance use and misuse is contained in the Substance Use and Misuse (Education) Policy.

Terminology

Substance is a term encompassing all potentially mind-altering substances, e.g. those commonly referred to as "drugs", and includes but is not limited to:

- All controlled Class A, B and C drugs defined by the Misuse of Drugs Act 1971
- New psychoactive substances (often referred to as 'Legal Highs')
- Prescription drugs
- Over-the-counter drugs (OTC)
- Alcohol
- Tobacco and vapes
- Nicotine and other chemicals
- Tobacco and nicotine pouches
- Solvents including Nitrous Oxide and 'Poppers'
- Any other substance which might lead to harmful addiction or similar effect.

Paraphernalia includes but is not limited to lighters, roaches, clips, grinders, sharps and pouches.

Sharps mean any needles, scalpels, or other articles that could cause wounds or punctures to people handling them.

If a student or member of staff or any other person finds a sharp or other paraphernalia on site, they should immediately report this to the Senior Deputy, or in his absence, a senior member of staff. They should not touch or attempt to move the item but make sure it is not a danger to others. Sharps will be recovered by the School's medical team and secured safely in the sharps' box in the Medical Centre. It will then be reported to the police as necessary.

UK Laws

Misuse of Drugs Act 1971 - it is illegal to possess, supply, offer to supply, possess with intent to supply, cultivate, produce (or be 'concerned' in any of these activities) any drug covered by the Act unless authorised (e.g. when prescribed for personal medical use). A person also commits an offence by

allowing premises they occupy to be used for the production or supply or any controlled drug or the consumption of certain controlled drugs.

Intoxicating Substances (Supply) Act 1985 - it is illegal for anyone to supply or offer to supply a substance if they know or believe that the substance being supplied will be inhaled by a person under 18 for the purpose of intoxication

The Psychoactive Substances Act 2016 - it is an offence to produce, supply, offer to supply, possess with intent to supply, import or export psychoactive substances.

Other relevant offences include the buying of alcohol, or attempting to, when under the age of 18 – **Children and Young Persons Act 1933**

1. Overview and Application of Substance Use and Misuse (Discipline) Policy

The School fosters a culture where substance use and misuse is considered unacceptable. The School aims to equip students with the understanding and personal skills needed to make healthy, informed, lawful choices including through classroom teaching, group discussions, assemblies and talks by experts from outside the School.

The following detailed information is set out for all students, staff and parents:

- 1.1 Tobacco and vaping:** Smoking is the single most preventable cause of premature death and ill-health in our society. The School policy on smoking aims to give students the message that the habit creates health problems for smokers and non-smokers alike, and that the School and staff support non-smoking as representing the norm in society.

Therefore, the principal School aims in this context are:

- to maintain a non-smoking environment and where students are not exposed to adult smoking;
- to educate students as to the risks and dangers of smoking;
- to encourage those students who do smoke to cease the habit.

With that in mind, smoking, or being in possession of cigarettes, tobacco, electronic cigarettes and any other 'smoking' devices (e.g. Shisha cigarettes and other flavoured chemical devices (vapes)) is prohibited:

- in the School buildings and grounds;
- anywhere whilst in School uniform;
- when representing the School or on School outings and trips;
- at any time whilst under School supervision or discipline; and
- whenever prohibited by law.

This approach also extends to the use of tobacco and nicotine pouches.

- 1.2 Alcohol:** Alcohol is a depressant drug, particularly when taken in large quantities. If consumed in sensible amounts, alcohol may produce feelings of

relaxation and the health risks are considerably reduced if drinkers keep within the recommended levels. However, even at low levels, the potential for serious accidents is increased.

Therefore, the principal School aims in this context are:

- to maintain an alcohol-free environment where students are not exposed to alcohol (except on formal occasions sanctioned by the School);
- to develop knowledge and understanding about alcohol as a drug and its effect on the mind and the body;
- to encourage sensible, appropriate and safe drinking behaviour;
- to provide opportunities for students to practise personal and social skills and the strategies needed to deal with situations where alcohol is present;
- to promote an individual student's self-confidence, self-esteem and self-worth;
- to provide or signpost to external counselling for students and their families, where this is needed;
- to provide information about other helping agencies, regarding their presence, location and function;
- to educate students as to the place of alcohol in the political, social and economic environment.

Drinking, or being in possession of alcohol, is prohibited:

- in the School buildings and grounds (except for formal occasions sanctioned by the School);
- anywhere whilst in school uniform;
- whenever prohibited by law;
- while on School outings and trips or at any other time whilst under School supervision or discipline (except for formal occasions sanctioned by the School).

1.3 Drugs: Health harms arising from the use or misuse of legal and illegal substances are wide-ranging and represent a major public health burden, with studies suggesting that young adults aged 16 to 24 being more likely to be tempted to use illegal drugs than older age groups. Serious risks to health can include blood borne viral infections and an increased risk of dependence and overdose.

Therefore, the principal School aims in this context are:

- to develop students' knowledge and understanding of the difference between controlled and illegal drugs;
- to educate students on the effects of drugs on the mind and body;
- to provide opportunities for students to practise the personal and social skills and the strategies needed to deal with situations involving drugs;
- to promote an individual student's self-confidence, self-esteem and self-worth;
- to explain the legal situation with regard to the use and misuse of drugs;
- to provide or signpost to external counselling for students and their families, where this is needed;

- to provide information about other helping agencies, regarding their presence, location and function;
- to educate students on procedures for dealing with any discovery of sharps and paraphernalia.

Any direct or indirect involvement in substance use and misuse anywhere, and whether in the School buildings and grounds or elsewhere, is prohibited including:

- the possession, supply, cultivation or production of any drug covered by the Misuse of Drugs Act 1971 unless authorized (e.g. when prescribed for personal medical use);
- the supply or offer to supply of a substance where it is known or believed that the substances will be inhaled by a person under 18 for the purposes of intoxication;
- the production, supply, offer to supply or possession of psychoactive substances.

The position of any student who fails to respect any aspect of these policies, whether before, during or after the school day, at weekends or during holidays, will be considered under the terms of this Substance Use and Misuse (Discipline) Policy.

2. Investigation

- 2.1** The School will investigate any and all suspected cases of substance misuse. The investigation may involve segregating a student (for no longer than necessary), asking him questions and asking him to give a written account of relevant circumstances. The School may decide to search a student's space and belongings and ask him to turn out the contents of pockets or a bag, if the School considers there is reasonable cause to do so. Such a search will be conducted in line with the School's Searching a Pupil Policy. The School may additionally take possession of property for analysis and/or request that the student undergoes testing.
- 2.2** Investigations will be conducted fairly and with sensitivity. The student's parents or guardians will be informed at the earliest opportunity. Interviews will normally be conducted by a senior member of staff. The student must be accompanied at interview by another appropriate member of staff to act as both a witness and also to support the student. Sources of information will not normally be disclosed. Any failure by the student to co-operate may result in the drawing of adverse inferences.
- 2.3 Testing** - If, during an investigation, the Headmaster thinks it appropriate, the student may be asked to undergo onsite drug testing, under appropriate supervision, with a view to establishing the presence or otherwise of substances in the student's body. Such testing may involve the provision of a sample of oral fluid, urine or hair. The Senior Deputy, or appropriate senior member of staff, will notify the student's parents or guardians and ask for their consent to a test being carried out. The test will be conducted and appropriately supervised by a senior member of staff. If a student refuses to

provide a biological sample, he will be asked to say why he refused. The School will be entitled to draw inferences from his response, general demeanour and from other evidence gathered as part of an investigation. If a parent or guardian refuses to consent to their child providing a biological sample, the School may draw inferences from this response also, as well as from the student's general demeanour and from other evidence gathered as part of an investigation.

The cost for the first will be borne by the School. The cost of any subsequent tests will be borne by the parents or guardians.

The record of testing will not be used for any other purpose and will not form part of a student's School or medical record. Records of testing will be subject to GDPR.

Further details relating to testing procedures are set out in the Appendix to this policy.

- 2.4** The student and his parents or guardians will be informed if the Headmaster decides that the findings of the investigation will lead to a disciplinary process.

3. Disciplinary Process

- 3.1** The School is committed to upholding the highest standards of behaviour and good school practice. Where the School considers it appropriate, it will take disciplinary action in relation to instances relating to substance use and misuse.

- 3.2 Any student involved with substance use or misuse including the use and misuse of legal and illegal drugs – including before or after the school day, at weekends or during holidays – will usually lead to a suspension or exclusion from the School.**

- 3.3** In determining whether to suspend or exclude a student, the Headmaster may consider any or all of the following:

- whether the substance is a legal drug, a controlled drug, or an illegal drug (and of what class)
- whether the substance was brought into the School
- whether the substance was supplied to others
- the presentation of the student, including if they were visibly under the influence of a substance while at School or under the supervision of the School
- how the information about drug misuse was obtained, including whether it was volunteered by the student or by his parents or guardians
- whether the student has been involved in the misuse of drugs previously
- whether other students were involved, including younger students or those known to be vulnerable
- whether the student is known to be vulnerable

- whether there is a reputational risk to the School from the student's actions
- any other factors deemed to be relevant by the Headmaster.

- 3.4** If a student is suspended, his parents or guardians can expect to receive a letter from the Headmaster or a senior member of staff providing details of the suspension including the reasons, the length of the suspension and the date on which the suspended student is permitted to return to the School. Work will continue to be sent to the student throughout the suspension. A suspension is also likely to result in 6 disciplinary points.

On returning from suspension, a student will be required to attend a 'reintegration meeting' with a senior member of staff. This is designed to reinforce reflection and to ensure that the student understands the opportunity that he has been given to demonstrate a change in behaviour. With consent from the parents or guardians, the Headmaster may determine that an ongoing regime of testing the student should apply. The Headmaster will decide when the testing can cease, in the light of factors including the length of time that the student has been tested, previous negative tests, the student's vulnerability and the student's engagement with supportive measures.

Whilst a formal Governors' appeal is not part of the suspensions procedure, parents or guardians may write to the Chairman of the Governors should they feel this to be appropriate.

- 3.5** If a student is excluded, the Headmaster will write to his parents or guardians to notify them, including the reasons for the exclusion. The Governors have laid down procedures which include a mechanism for review, and appeals by parents and guardians can be sent in writing to the Chairman of the Governors.
- 3.6** The Headmaster may decide to apply a lesser disciplinary sanction, such as a Headmaster's detention, and/or arrange a program of advice, support and assistance (perhaps accompanied by counselling, re-education and testing at frequencies determined by the Headmaster). Such a decision is likely to be taken by the Headmaster in exceptional circumstances only.

4. Police

Where the Headmaster considers the circumstances of the case to warrant it, the police will be informed.

Reviewed by The Deputy Head (Pastoral): February 2024

Next review: February 2025

Appendix

Procedure for Testing

Testing for substance use or misuse including the use and misuse of legal and illegal drugs may be appropriate on occasions when a student is (i) being investigated for substance use or misuse and/or (ii) is permitted to return to Whitgift School but subject only to agreed conditions which are likely to include agreed (random) testing. The aims of testing students can include supporting students thought to be at risk of substance use or misuse and helping to dispel ill-founded suspicion of it. Details relating to the testing procedure are outlined below.

Testing is carried out by such companies as Cansford Laboratories on behalf of the School and all processes are in accordance with European Workplace Drug Testing Guidelines. There are three main types of test which the School may action:

Oral Fluid Sample

This primary screen would indicate negative and 'presumed positive' samples. The method will produce legally defensible results which will be reported to the School within three working days of receipt. Parents or guardians will be made aware of the results as soon as possible. The cost for the first test will be borne by the School. The cost of any subsequent tests will be charged to parents or guardians. Costs will be advised at the time.

Urine Sample

If required, a urine sample would be taken under supervision by a senior member of staff. A sample will be sent to a company, such as Cansford Laboratories for analysis. Results will be reported to the School within three working days. Parents or guardians will be made aware of the results as soon as possible. The cost for the first test will be borne by the School. The cost of any subsequent tests will be charged to parents or guardians. Costs would be advised at the time.

Hair Sample

A hair sample may be required and the taking of this would be supervised by a senior member of staff. A sample will be collected using a Chain of Custody collection kit and sent to a company, such as Cansford Laboratories for analysis. Results will be returned to the School within three working days. These will be shared with parents or guardians upon receipt. The cost of the first hair sample test will be borne by the School. The cost of any subsequent tests will be charged to parents or guardians. Costs would be advised at the time.

Random Testing

Where the School, student and his parents or guardians agree, testing will be done at random times. Oral fluid, urine or hair sample tests may take place without notice as the School sees fit. The School will inform the student before the test is carried out and will endeavour to inform parents or guardians at the same time. Tests will be supervised by a senior member of staff and will be conducted in a discreet and sensitive manner.

Negative Results

When it becomes clear that the School and parents or guardians are satisfied with a negative test outcome, the testing report will be destroyed. The result of the drugs test(s) will not form part of the student's School or medical records.