

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

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1 **Aims**

- 1.1 This is the policy on smoking, alcohol and the misuse of drugs and substances of Leighton Park 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 (together with the School rules and all School policies on behaviour and discipline) applies to all students at the School and at all times when a student is:
 - 2.2.1 in or at School;
 - 2.2.2 representing the School or wearing School dress;
 - 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 supply of tobacco, alcohol, drugs and substances (see definitions below).

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 *Boarding schools: national minimum standards* (Department for Education (**DfE**), April 2015);

3.1.3 Education and Skills Act 2008;

3.1.4 Children Act 1989;

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 permanent exclusion and removal: review procedure;

3.3.3 child protection and safeguarding policy and procedures; and

3.3.4 risk assessment policy for pupil welfare.

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 Bursar during the School day.

4.4 This policy can be made available in large print or alternative 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 the 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, vaporisers and any related items.

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	Head	As required, and at least annually
Monitoring the implementation of the policy, relevant risk assessments and any action taken in response and evaluating effectiveness	Head	As required, annually
Maintaining up to date records of all information created in relation to the policy and its implementation as required by the GDPR	Senior Deputy Head	As required, 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 and vaping ban apply to the whole School community including students, 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 students 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 students about these issues through its PSHE/'Your Life' curriculum, by means of personal development courses, by example and by discussion.
- 8.3 The School encourages students 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.
- 8.4 Matters brought into counselling by a student or his / her parents, in circumstances which are genuine, will be "ring-fenced" from disciplinary sanctions, but a student who contravenes this policy will face disciplinary action.
- 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 student's welfare or considers that a student 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.

9 School rules

- 9.1 Students are forbidden from:
 - 9.1.1 smoking and vaping inside or outside School premises, being in possession of tobacco or smoking paraphernalia (including vapes) while in the care of the School or supplying tobacco or smoking paraphernalia to other students.
 - 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 student is in the care of the School at the time.
- 9.2 Sixth Form students over 18 years old may consume alcohol (excluding spirits and fortified wines) at certain School events where:
 - 9.2.1 the serving of alcohol has been expressly permitted by the Head; and
 - 9.2.2 prior written parental consent has been received; and
 - 9.2.3 the students are invited to do so by a member of staff and the consumption is as part of a table meal supervised by a member of staff.
- 9.3 **Parents**
 - 9.3.1 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.
 - 9.3.2 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.
 - 9.3.3 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 student 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 student and/or his/her possessions for tobacco, alcohol, drugs or substances with his / her consent. The member of staff will consider the student's age and other factors when determining whether the student is capable of giving his / her consent.
 - 10.2.2 A student and/or his/her possessions may be searched without his / her consent for tobacco, alcohol, drugs or substances in accordance with the School's policy on searching and confiscation (see the procedures set out in Appendix 5 of the School's behaviour and discipline policy).

10.3 **Testing**

10.3.1 A student suspected of unauthorised consumption of alcohol or involvement with drugs or substances may be asked to take a breathalyser or fingerprint drug detection test. 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 because of information or a complaint received or because of a student'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 student rather than the parents, even if the student is under 16 years of age, provided he / she is of sufficient maturity and understanding and gives his / her informed consent in writing.
- (b) The member of staff leading the investigation will determine whether the student is able to provide this consent and may request the additional opinion of a Deputy Head.
- (c) If a student refuses to test 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 being tested, the School may draw inferences from the student's general demeanour.

10.3.6 Reasonable endeavours will be made, to notify a parent, guardian or education guardian of the requirement for a breathalyser or fingerprint drug detection test and the reasons for that requirement.

10.3.7 The School will treat a positive test, although not infallible, as evidence that the student 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 student 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 student behaviour, a disciplinary meeting will be held in accordance with the procedures set out in Appendix 3 of the School's Behaviour and Discipline Policy.

11 **Sanctions**

11.1 Where a student 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 Policies.

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 student may be permanently excluded or removed from the School.

11.2.2 **Drugs: Anyone involved in any way with drugs must expect to be removed or permanently excluded immediately even if he / she is about to sit public examinations.** Anyone possessing or using drugs must also expect to be permanently excluded in accordance with the School's Behaviour and Discipline Policy.

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 and volunteer training.

13 **Risk assessment**

13.1 Where a concern about a student's welfare is identified, the risks to that student'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 student welfare plans (such as behaviour, healthcare and education plans, as appropriate). Regardless of the form used, the School's approach to promoting student welfare will be systematic and student focused.

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 students is disclosed only on a "need to know" basis with careful attention to students' 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 students 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.

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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 Extended Leadership Team or medical staff.
- 2 **Refusal:** If a student refuses to provide a sample of breath the student 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 student 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 student 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 student'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 student will be asked to sign various seals and documents which confirm that the specimens are his / hers;
 - 3.3 the student 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 positive or negative, will not form part of the student'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.