CLAREMONT
FAN COURT SCHOOL

POLICY AND PROCEDURE

DRUG AND SUBSTANCE EDUCATION AND MISUSE

We are committed to promoting a healthy, safe environment at Claremont Fan Court School, in which good citizenship and respect for the law can flourish. This is achieved through having a drug awareness and education programme and dealing effectively with pupils where drug use is alleged to have taken place.

Definition of 'drugs'

In this context, 'drugs' or 'substance' means without limitation controlled drugs, including for example cannabis, amphetamines, ecstasy, cocaine, heroin, and LSD, the paraphernalia of drugs or substances intended to resemble drugs. It also means solvents, aerosols, performance enhancing drugs, anabolic steroids, mushrooms and other substances possessed or supplied in each case for purposes of misuse, including new psychoactive substances (NPS, previously known as 'legal highs').

In addition to illegal drugs, it includes legal substances such as alcohol, tobacco (including nicotine pouches) and e-cigarettes/vapes; volatile substances; and over-the-counter and prescription medicines, where these are used inappropriately.

This policy and procedure covers the possession, use and supply of such substances and applies at all times, whether or not the pupil is in the care of the school.

Education programme

We have extensive, age-appropriate PSHE programmes at Claremont Fan Court School that focus upon the potential short-term and long-term risks to health from drug and substance abuse. As with our related programmes concerning alcohol and tobacco, they concentrate on teaching the importance of young people making healthy, informed choices. However, they also include an ethical dimension, designed to instil an understanding of the importance of complying with the criminal law.

Our drug education programme helps pupils to:

- Gain knowledge and understanding about the effects, risks and dangers of drugs and correct myths and misunderstandings
- Develop skills to make informed decisions, including communication, self-awareness, negotiation, finding information, help and advice
- Develop skills to manage situations involving drugs, including assessing and avoiding risks, assertiveness and refusal skills and helping others
- Explore their own and other people's attitudes to drugs, drug use and drug users, including challenging stereotypes and dispelling myths and exploring media and social influences

Pupils can discuss their individual worries about drugs or substances with their form tutor, head of year or other pastoral staff. They can also refer themselves to the care centre and to the school counsellor for individual guidance.

Response to illegal or unauthorised drug use on the premises or during an official school event

No pupil, parent or member of staff at Claremont Fan Court School may bring or use illegal drugs on the school premises or during approved school activities, e.g. sports fixtures, day and residential trips, DofE expeditions, etc.

All incidents must be reported to a member of the Senior Leadership Team immediately and information shared on a need to know basis.

The head teacher will always be informed.

Where a pupil discloses to a member of staff that they are taking illegal or unauthorised drugs, or that they have brought such drugs onto the school premises, the teacher should make clear to the pupil that the information will be shared immediately with the head teacher.

The following are the guidelines which inform the school's procedure if there is reason to believe that a pupil is involved in the abuse of controlled drugs or the abuse of substances:

1) Evidence of misuse

Any pupil who, while at school or in the vicinity of the school, or in the care of the school, is found to use, possess, supply or deal in drugs or substances, or demonstrates an obvious intention to do any of these things, must expect to be suspended or permanently excluded , regardless of whether or not the pupil is about to take public examinations.

If a pupil is in the company of another pupil or pupils who are caught using an illegal drug (or any substance that contravenes this policy) the school reserves the right to deal with the matter as a breach of school discipline.

Where a pupil's use of a drug, or any substance that contravenes this policy, outside of term time and/or not on the school site affects his or her performance or behaviour at school and/or brings the school's reputation into disrepute, he or she may expect to be suspended or permanently excluded from the school.

2) Searches for drugs/substances

When undertaking searches, the school will follow the advice from the Department for Education contained within their publication 'Screening, Searching and Confiscation' or successor publications.

School staff can search pupils for 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. The search will normally be carried out by appropriate staff with another member of staff present, but there may be reasons where, for the best interest of the whole school community, this may not be possible.

If a pupil refuses to give their consent to a search, they will be asked to say why they have refused. The school will be entitled to draw inferences from his or her response and general demeanour and the police may be informed.

Schools are not required to inform parents before a search takes place or to seek their consent to search their child (DfE and ACPO drug advice for schools, 2012). We will, however, inform parents and guardians as a matter of urgency and invite them into the school to discuss the matter.

In relation to a controlled drug, the head teacher and staff authorised by the head teacher, may search a pupil or a pupil's possessions, without their consent, where they have reasonable grounds for suspecting that a pupil has a prohibited item in their possession.

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.

Following a search, the school will make a record of the person searched, the reason for the search, the time and the place, who was present and note the outcomes and any follow-up action. This information will be recorded on CPOMS.

The school reserves the right to use sniffer dogs to search the premises for illegal drugs if appropriate.

Refer to appendix B for the searching and confiscation of banned items policy.

3) Suspicion of misuse

If a member of staff has reason to suspect that a pupil is misusing drugs in (or out of) school, whether in term or holiday time, he/she must report the situation through the pupil's head of year or directly to the Designated Safeguarding Lead, who will decide in consultation with pastoral colleagues and/or the head teacher if further investigation is warranted.

The School reserves the right to ask pupils to undergo a drugs test where there is reasonable suspicion of drug abuse. For example:

i) Behaviour changes
ii) Suspected involvement in a drug related incident
iii) Physical signs
iv) Implication by word of mouth
v) Academic performance is significantly below expectation.

Drug testing is authorised by the head teacher or deputy head (pastoral) who may appoint a supervisor for the collection of samples. Testing procedures will be in accordance with standard good practice and will be taken under medical supervision (see appendix A). A member of the school staff will also be present. Testing may be arranged off-site, at the discretion of the head teacher. Reasonable endeavours will be made, before a drugs test is conducted, to notify a parent, guardian or education guardian of the requirement for a drugs test and the reasons for that requirement.

The school will consider each incident individually. Any transgression of this policy may lead to permanent exclusion. The welfare of the pupil(s) will always be at the centre of any discussion, but this will be balanced against the welfare of the school community.

- Parents/carers will be involved at an early stage and throughout any investigations
- Support agencies will be involved, if appropriate
- Appropriate counselling and support will be available to those pupils deemed to be at risk
- The police will be contacted in any case of the use of illegal substances.

When the head teacher has evidence to suggest there has been a drug-related incident they will inform the chair of governors immediately and an investigation will be initiated.

Staff

Any employee of the school taking or in possession of illegal drugs on school premises or during school hours or selling or buying such drugs or under the influence of illegal drugs during school hours will be dismissed immediately. Appropriate authorities, including the LADO will also be informed. Inappropriate use of alcohol by an employee on school premises or during school hours will be treated as a disciplinary matter.

Parents

If parents attending school premises appear to be under the influence of drugs (including 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, the member of staff should report the matter to the Designated Safeguarding Lead or a member of the senior leadership 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 drugs, the child will not be released into the care of the parent and the school's child protection procedures will be followed.

Relevant policies and procedures

This document should be viewed in conjunction with the following policies and procedures:

- Whole school safeguarding policy/procedure
- Behaviour policies
- Code of conduct for staff
- Whole school PSHEE policy/procedure

Statutory framework

This policy has been devised in accordance with the following guidance:

- DfE and ACPO Drug Advice for Schools (DfE/ACPO, September 2012)
- Searching, Screening and Confiscation at School (DfE February 2014, updated January 2018)

Appendix A:

Claremont Fan Court School drugs testing policy

Definitions:

Negative test: indicates that drug use is not evident within the test sample.

Non-negative test: indicates that drug use is evident within the test sample.

Positive test: where the evidence of drug use found in the non-negative test is confirmed by a laboratory test.

There will be no random tests of pupils for drug abuse at Claremont Fan Court School. However, if the school has reason to suspect that a particular pupil may have been using illegal drugs, the head teacher has the right to require that a test be carried out (i.e. received information, notable changes in behaviour or performance, appearing under the influence of a substance). A test will only be required following consultation between a pupil's head of year and the head teacher (or in the latter's absence, the deputy head, pastoral).

If a pupil who has tested non-negatively, or who has admitted being involved with drugs, is permitted to remain at school, the head teacher reserves the right to make it a condition that there is repeat testing of the pupil in the future at intervals determined by the school. Any further positive test is likely to lead to permanent exclusion. There will be a requirement for the pupil to receive support and drug counselling, either through services offered by the NHS or at the parents' expense.

With regard to non-negative tests arising from drug use outside school time (holidays or weekends) the same rules apply on the grounds that drug abuse at any time is an issue for the school.

1. Testing procedures

The testing procedure involves the use of point-of-contact testing kits whereby urine is collected in a single use container which will allow a drug-testing result within minutes.

1.1 Testing procedures will be in accordance with standard good practice.

1.2 Confidentiality: Records of the testing will not be used for any other purpose. For further information about retention of information and documentation, please refer to the school's records retention policy.

1.3 The test will be carried out under the supervision of a deputy head or a senior member of staff and a school nurse, who will be present during the testing procedure and who is familiar with the instructions for use of the testing kit being used.

1.4 An off-site drugs test may be arranged, subject to the prior approval of the head teacher.

1.5 The written consent of the pupil will be obtained before the test is conducted. If a pupil refuses to give consent to be tested, s/he will be asked to say why s/he has refused. The school will be entitled to draw inferences from his/her response and general demeanour and the police may be informed.

1.6 Any samples collected for the purposes of drug testing will be collected using recognised chain-of-custody procedures to ensure that samples are genuine and not interfered with in any way.

1.7 The head teacher will normally consult the police about the possession, consumption or supply of an illegal drug, since it carries the possibility of being a criminal offence as well as a potential safeguarding risk

1.8 The school will regularly review and update the range of tests used.

1.9 The testing will be done at the school's expense. If further tests are required, either at parents' request or if the school deems it appropriate, then costs are likely to be met by parents.

1.10 Notifying parents: reasonable endeavours will be made, before a drugs test is conducted, to notify a parent, guardian or education guardian of the requirement for a drugs test and the reasons for that requirement.

2. Subsequent action

The school will treat a non-negative test as evidence that the pupil has been using drugs. The school's behaviour policy and procedure will then be invoked, as described in the current parent information booklet.

APPENDIX B

Searching and Confiscation of Banned Items Policy

Introduction

This policy relates to the power of authorised staff to search pupils and the retention and disposal of items that have been confiscated in accordance with the school's behaviour, rewards and sanction policies, the school's drug and substance education and misuse policy and the anti-bullying policy. This policy applies whenever pupils are in the care of the school, including on school trips.

All schools have a general power to impose reasonable and proportionate disciplinary measures (Education and Inspections Act 2006). This enables a member of staff to confiscate, retain or dispose of a student's property as a disciplinary penalty where it is reasonable to do so. This policy also has regard to guidance published by the Department for Education (DfE), Searching, screening and confiscation (January 2018).

Aims

The central aim of this policy is to enable the school to carry out its duties to safeguard and promote the welfare of children by ensuring that dangerous, illegal or disruptive items are removed from students and disposed of safely and lawfully.

This policy also aims to ensure that pupils and parents understand the circumstances in which searches will take place, what will happen to items confiscated by staff and to discourage pupils from bringing such items into school or on school trips.

Prohibited items

The following are "prohibited items" under Section 550ZA(3) of the Education Act 1996 and Regulation 3 of the Schools (Specification and Disposal of Articles Regulations 2012:

a. knives or weapons, alcohol, drugs and stolen items
b. tobacco, e-cigarettes and cigarette papers, fireworks and pornographic images including both in digital and paper form
c. any article that a member of staff reasonably suspects has been, or is likely to be used:
    i. to commit an offence or
    ii. to cause personal injury to, or damage to the property of, any person (including the student) and
d. any other item which the school rules identify as an item for which a search may be made.

Searching with consent

1. A member of staff can search students with their consent for any item.

2. Before any search is undertaken the student will usually be asked to consent. In seeking consent, the age and maturity of the student will be taken into account together with any special needs the student may have. Written consent will not usually be required.

3. If a member of staff suspects that a student has an item that is banned by the school they can instruct the student to turn out his or her pockets or bag. If the student refuses, disciplinary action may be taken in accordance with the School's Behaviour Policy (see also searching for prohibited items without consent).

Searching for prohibited items without consent

1. Where the head teacher or an authorised member of staff have reasonable grounds to suspect that a student may have a prohibited item, consent is not required and the search will be carried out, using reasonable force where appropriate (see the School's Use of Force Policy).

2. The head teacher has authorised the following staff to carry out searches and retain or dispose of items in accordance with this policy:

    a. The head teacher;
    b. any senior teacher, e.g. heads of year or faculty or a member of the SMT
    c. any group leader on an educational visit while the visit is underway, in the absence of a member of the SMT.

3. Searches will be carried out only on school premises or, if elsewhere, where the member of staff has lawful control or charge of the student, for example on a school visit or a trip either within the UK or abroad.

4. If it is believed that a student has a prohibited item, it may be appropriate for a member of staff to carry out a search of:

    a. outer clothing and / or
    b. school property (e.g. students' lockers) and / or
    c. personal property (e.g. bag or pencil case).

5. Searches will be conducted in such a manner as to minimise embarrassment or distress. Any search of a student or their possessions will be carried out in the presence of the student and a second member of staff. Where a student is searched, the searcher and second member of staff present will be, where possible, the same gender as the student.

6. Where it is reasonably believed that serious harm may be caused to a person if the search is not carried out immediately and it is not practicable to summon another member of staff, a member of staff may carry out a search of a student of the opposite sex and / or in the absence of a witness.

7. Where the head teacher, or staff authorised by the head teacher, find anything which they have reasonable grounds for suspecting is a prohibited item, they may seize, retain and dispose of that item in accordance with this policy.

Confiscation

1. Under the school's general power to discipline, a member of staff may confiscate, retain or dispose of a student's property as a disciplinary penalty where it is reasonable to do so.

2. Confiscation of an item may take place following a lawful search, as set out above, or however the item is found if the member of staff considers it to be harmful or detrimental to school discipline.

Searching confiscated electronic devices

An electronic device such as a mobile phone or tablet computer may be confiscated in appropriate circumstances in accordance with this policy. If there is good reason to suspect that the device has been used to disrupt teaching, cause harm to others or contains inappropriate material then the member of staff should remove the phone from the student. They should not look at the phone but should ask, if possible, for the student to lock the phone. At the end of the lesson, session or as soon as is practicable, the device should be handed to the deputy head(s) or head teacher who will decide on the next stage of action. At no stage should the member of staff look through the phone. If there is sufficient thought that the phone may contain prohibited images, then the school may decide to involve the police or other authorities. If it is felt the device does not contain such images the student should be interviewed about the device and its use, and a suitable sanction decided upon. The device can be returned to the student. Staff should not be deleting items from devices.

Disposal of confiscated items

1. Alcohol: alcohol which has been confiscated will be disposed of and not returned to the student.

2. Controlled drugs: These are defined as 'a drug in Schedule 1, 2, 3, 4 or 5 of the Misuse of Drugs Regulations 2001. Controlled drugs will usually be delivered to the police as soon as possible. In exceptional circumstances and at the discretion of the head teacher or authorised member of staff, the drugs may be disposed of without the involvement of the police if there is good reason to do so. All relevant circumstances will be taken into account and staff will use their professional judgement.

3. Other substances: substances which are not believed to be controlled drugs but which are harmful or detrimental to good order and discipline (for example "legal highs") may be confiscated and destroyed. Where it is not clear whether or not the substance seized is a controlled drug, it will be treated as though it is controlled.

4. Stolen items: stolen items will usually be delivered to the police as soon as possible. However, if, in the opinion of the head teacher or authorised member of staff, there is good reason to do so, stolen items may be returned to the owner without the involvement of the police. This is likely to apply to items of low value, such as pencil cases.

5. Tobacco: e-cigarettes/vapes or cigarette papers: tobacco or cigarette papers will be disposed of and not returned to the student.

6. Fireworks: fireworks will not be returned to the student. They will be disposed of safely at the discretion of the head teacher or other authorised member of staff.

7. Pornographic images: pornographic images involving children or images that constitute "extreme pornography" under section 63 of the Criminal Justice and Immigration Act 2008 will be handed to the police immediately. As possession of such images may indicate that the student has been abused, the school's designated safeguarding lead will also be notified and will decide whether to make a referral to the local Children's Service of the student's home local authority.

8. Other pornographic images will also be discussed with the school's Designated Safeguarding Lead. The images may then be passed to the local Children's Service of the student's home local authority for consideration of any further action. If no action is to be taken by the local authority the images will be erased after a note has been made for disciplinary purposes, confirming the nature of the material.

9. Articles used, or could be used, to commit an offence or to cause personal injury or damage to property: such articles may, at the discretion of the head teacher or authorised member of staff taking all the circumstances into account, be delivered to the police, returned to the owner, retained or disposed of.

10. Weapons or items which are evidence of an offence: such items will be passed to the police as soon as possible.

11. An item banned under school rules: such items may, at the discretion of the head teacher or authorised member of staff taking all the circumstances into account, be returned to its owner, retained or disposed of. Where staff confiscate a mobile phone that has been used in breach of school rules to disrupt teaching, the phone will be kept safely until the end of the school day when it can be claimed by its owner. If a student persists in using a mobile phone in breach of school rules, the phone will be confiscated and must be collected by a parent.

12. Electronic devices: if it is found that a mobile phone, laptop or tablet computer or any other electronic device has been used to cause harm, disrupt teaching or break school rules, including carrying out cyberbullying, the device will be confiscated and may be used as evidence in disciplinary proceedings. Once the proceedings have been concluded the device must be collected by a parent or carer and the student may be prohibited from bringing such a device onto school premises or on school trips. In serious cases, the device may be handed to the police for investigation.

Communication with parents

1. There is no legal requirement for the school to inform parents before a search for banned or prohibited items takes place or to seek their consent to search their child and it will not generally be practicable to do so. However, we will inform parents of any search that takes place and provide details of any items that have been found. In appropriate cases we will consult parents on how the school should dispose of certain items.

2. We will keep a record of searches carried out which can be inspected by the parents of the student(s) involved subject to any restrictions under the Data Protection Act 2018. The record will include details of the disposal of items confiscated.

3. Complaints about searching or confiscation will be dealt with through the school's complaints procedure. A copy of the procedure is posted on the school website.

4. The school will take reasonable care of any items confiscated from students. However, unless negligent or guilty of some other wrongdoing causing injury, loss or damage, the school does not accept responsibility for loss or damage to property.