

# Drugs, Alcohol and Substance Misuse Policy including Searching and Confiscation Policy



**WYCHWOOD**  
SCHOOL • OXFORD

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## Introduction

The aims of this policy are to give clear guidance to the acceptable behaviour relating to smoking, alcohol and drugs to ensure that all Wychwood School pupils are kept safe. To ensure a culture of healthy social activity is developed and monitored within the Wychwood School community. To set out the support given and the sanctions applied should a pupil break the acceptable behaviour relating to smoking, alcohol and drugs. To explain the testing process employed to detect the use of alcohol or drugs.

The advice, guidelines and sanctions provided in this policy apply to all age groups and at all times when a pupil is at School or representing the School (for example, wearing the School uniform, on a School trip or travelling to and from School). The policy is also capable of regulating pupil conduct and the associated actions should there be suspected or actual misconduct relating to smoking, alcohol or drugs, when they are away from School premises and outside the jurisdiction of the School (for example during a Half-term or the holidays). This is normally where their conduct could have repercussions on the orderly running of the School, its reputation, the welfare of its community members, or the public.

This policy should be read by all members of the teaching staff, those delivering co-curricular activities or working in boarding.

## Wychwood School Guidelines

**Social Pressures:** It is usually within a social context that people initially drink, smoke or experiment with drugs. The use or misuse of alcohol and the use of tobacco and drugs or other substances can be very damaging both to individuals and to society; therefore, Wychwood School has established important guidelines and rules in these areas.

The consumption of a limited range of alcoholic drinks is permitted for senior pupils on certain occasions and in certain places. Smoking and drugs are forbidden, indeed, providing, selling or using illegal drugs is regarded as a very serious offence. Mood-enhancing products, such as Nitrous Oxide, "Poppers" and other so-called 'legal highs' or new psychoactive substances (NPS), are absolutely forbidden. Solvents or other aerosols must not be inhaled. Stimulants such as "Pro Plus" are also not permitted.

**Alcohol:** Alcohol means intoxicating liquor of all descriptions (including beer, cider, wine and spirits) and this policy covers obtaining, possessing, consuming, and supplying alcohol. With the written consent of their parents and the permission of their House Parent there are some circumstances as set out in the handbook where Wychwood Sixth may drink beer, cider and wine on a limited basis. With the written consent of their parents, and on each occasion the permission of their House Parent, pupils in Wychwood Sixth who are over 18 may visit certain specified public houses. Licensed and Off-licensed premises are otherwise strictly out of bounds. No-one in the School may purchase or consume alcohol at any time except in the above circumstances or at special events supervised directly by the House Parent or someone deputised by the Head. Parents who intend to take pupils out to pubs or restaurants should always discuss this with their child's House Parent before doing so.

**Smoking and vaping:** Pupils are not allowed to smoke or vape inside or outside the School. Smoking is a health and safety risk and is particularly serious in-House as it exposes others to passive smoking and is a significant fire risk. Smoking in public buildings in England is illegal and carries a heavy fine.

**Drugs:** 'Drugs', for the purposes of this policy, means controlled drugs and the paraphernalia of drugs or substances intended to resemble drugs, or legal or prescription drugs which can be obtained from a chemist shop. The definition also extends to performance-enhancing drugs, anabolic steroids, glue, other solvents or aerosols, novel psychoactive substances and all other substances held or supplied in each case for purposes of misuse. This policy covers the possession, use and supply of such substances.

The School is aware that some substances which are not illegal may have an intoxicating, and/or stimulating and/or hallucinogenic effect. These fall into the definition of 'drugs' for the purposes of this policy. The use of any products which have such an effect is against School rules and pupils misusing such substances (including possession or supply of such substances) will be dealt with in a similar fashion to those who use illegal substances.

The School community extends beyond the campus. Pupils of Wychwood School may not use, possess or supply these substances at any time; either at School or away from School, including during the holiday periods. The definition of 'use' in this policy includes either deliberate or reckless inhalation, injection or ingestion. The definition of 'possession' includes having the drug or substance on one's person, in one's clothing, in one's room or in one's belongings, although 'possession' may also include having knowingly concealed a drug or substance in another location with the intention of retrieving it in the future, including coercing another pupil to conceal the substance in their room or belongings.

**Rules about drugs and alcohol:** The School forbids a pupil from:

- any possession, use or supply of drugs and substances at any time; subject to the circumstances set out in the paragraph above on alcohol, 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.
- bringing the School into disrepute for any reason associated with 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.

### **Pastoral Care**

We encourage the pupils to discuss their anxieties about smoking, alcohol, drugs or substances in confidence with a member of staff or the school counsellor. Matters brought into counselling by a pupil or their parents, in circumstances that are genuine, will be 'ring-fenced' from disciplinary sanctions or adverse report but a pupil suspected of involvement with smoking, alcohol or drugs or substances outside this context will face the full disciplinary consequences.

**Process for Pastoral Support:** Any pupil who discloses an issue related to smoking, alcohol or drugs or substances policy, will, from the moment of disclosure, be expected to comply fully with

the School's requirements for the pupil to receive advice and treatment for their issue. This will include having to comply with the conditions as laid out in section of this policy. The pupil will also be subjected to randomly-times drug testing.

**Staff:** The members of staff who oversee and co-ordinate these issues are the Deputy Head Pastoral, Head of Safeguarding and one of the DDSL (Head or Director of Operations).

**Training:** Staff will be trained on induction on how to recognise and manage such issues. Periodic updates will be given from time to time.

**Education:** The School educates pupils to understand 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. Education about smoking, alcohol and drugs is aimed at all year groups. It is included in the School's PSHE programme and at year group presentations/assemblies as well as in some lessons, such as Biology.

**Parents:** Every parent should read and discuss this policy with their child. The School encourages open discussion between parents and pupil so that parents are aware of the issues and pressures facing their child. If parents attending school premises appear to be under the influence of drugs or alcohol, they will be asked to leave and the member of staff making the request should refer the matter to the School's Head of Safeguarding. 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 Head of Safeguarding or a member of the Senior Leadership Group (SLG) who may telephone the police. If the Head of Safeguarding reasonably believes that a pupil or other child is at immediate risk of harm from a parent who is under the influence of alcohol or drugs, the pupil or other child will not be released into the care of the parent until appropriate measures have been taken. These may include involving another member of the family, social services or the police.

## **Searches for Alcohol, Drugs, Substances and related Paraphernalia**

### **Searching and Confiscation**

Any searches for and confiscation of prohibited items will be made in accordance with the DfE's guidance Searching, Screening and Confiscation (July 2022) and the School's 'Searches and Confiscation Policy' which is set out in the appendix under Searching and Confiscation Policy.

**Informed consent:** Before any search is undertaken consent will normally be sought from the pupil, unless the pupil is incapable of giving such consent due to intoxication or absence from school. The member of staff leading the search 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 if required. If the pupil refuses consent, they will be asked to say why they have refused. The School will be entitled to draw inferences from their response and general demeanour and the police may be informed.

**Searches without consent:** The Head and staff authorised by the Head may search a pupil or a pupil's possessions or room without their consent where they have reasonable grounds for suspecting that a pupil has tobacco, alcohol, drugs or substances in their possession.

**Seizure:** Any seizure of a substance covered in this policy will take place in the presence of two adults.

## **Police Involvement**

**Procedures:** If the School seizes a controlled drug, the drug may be destroyed by the School Security personnel 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.

Any seizure of a substance thought to be an illegal substance will take place in the presence of two adults authorised by the Head to undertake searches.

**Contacting the police:** The Head may use their discretion to decide whether police involvement is appropriate. In any case, the statutory authorities would normally be contacted by the Head of Safeguarding in order to safeguard the pupils at the School.

## **Testing for Drugs or Alcohol**

**Random testing:** Any pupil may be asked to undertake a randomly-timed drug test at any time whilst they are at School. Wychwood would seek to involve an outside agency such as a doctors' surgery to take the tests.

The reason for this policy is:

- To deter the use of drugs and substances;
- To identify users; and
- To absolve those who have been wrongly suspected.

Reason to suspect use of illegal drugs may arise as a result of information, a complaint received or because of a pupil's behaviour such as:

- A decline in performance in school work;
- Marked swings in mood;
- Excessive tiredness;
- Sores and rashes especially on the mouth or nose;
- A lack of interest in physical appearance;
- An unwillingness to take part in School activities; and
- Other signs or evidence, such as the finding of certain items of equipment, behaviour on a particular occasion, or other information that has been gathered.

**Informed consent:** The relevant consent to a drugs or alcohol test is that of the pupil rather than the parents, even if the pupil is under 16 years of age, provided they are of sufficient maturity and understanding and give their informed consent in writing. The member of staff leading the search 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. In any case, a testing consent form signed by parents will be required and it is a condition of acceptance of a new pupil into the School that a signed consent form is returned to the School.

**Notifying parents:** Reasonable endeavours will be made, before a biological sample is taken, to notify the pupil's parents, guardian or education guardian of the requirement for the test and reasons for that requirement, unless parents have already been informed that a pupil has been put onto the testing programme in which case the School may not inform the pupil's parents before each individual test. This clause, however, is not binding and pupils may be tested before parents are notified if necessary, for safeguarding or other reasons.

**Drug test supervision:** The biological sample will be taken by a qualified practitioner from an independent provider of testing services. A member of School staff will be present if required. All due care will be taken to respect the pupil's privacy and human rights.

**Refusal:** If a pupil refuses to provide a biological sample or sample of breath, they will be asked to say why they have refused. The School will be entitled to draw inferences from their response and general demeanour and the police may be informed. If a parent's consent is required and they refuse to consent to their child providing a biological sample or sample of breath, the School may draw inferences from the pupil's general demeanour and, in the case of drugs, the police may be informed.

**Drug testing procedures:** These will be in accordance with standard good practice.

**Medical record:** The outcome of drug and alcohol testing, whether positive or negative, will not form part of the pupil's permanent medical record.

**Outcome:** When the School receives the laboratory report: reasonable attempts will be made to notify the pupil and parent by letter or e-mail; if the result is negative, parents will be informed by letter; if the result is negative, the second sample will be destroyed immediately; if the result is positive, the second sample will be made available for independent analysis.

**Confidentiality:** Sensitive personal information about a pupil is disclosed only on a "need to know" basis with careful attention to pupils' rights and needs. All incidents involving the use, supply or possession of drugs will invariably be brought to the Head's attention, as will any circumstances requiring a pupil to be tested.

### **Subsequent Action (Alcohol)**

**Procedure following a positive breath test:** The School will treat a positive alcohol breath test, although not infallible, as evidence that a pupil has been drinking alcohol. Normally the Assistant Head Wellbeing Deputy Head will investigate the incident and the pupil would report to a member of the SLG. Procedure in the case of possession or use of alcohol: The Assistant Head Wellbeing will investigate the incident and the pupil would report to a member of SLG

The SLG will apply a suitable sanction.

### **Subsequent Action (Drugs or Substances)**

**Procedure following a positive drugs test:** The School will treat a positive drug test, although not infallible, as evidence that the pupil has been using drugs. Subsequently, the following may apply:

- The pupil will normally be suspended from School.

- The pupil will be asked to attend a meeting with a member of SLG with their parents or a member of the School staff chosen by them to assist them.
- The evidence of the positive sample and all other relevant evidence will be put to the pupil and they will be invited to respond. Their response will be heard and considered, and further enquiries will be made if necessary. The SLG member will make a finding of fact on the balance of probabilities based on the evidence and supported by reasons.

**Sanction following a positive drug test:** If the SLG member's decision is that the pupil has been using drugs, following a drugs test, the Head will be informed. The Head will outline the range of sanctions they have been considering and will then, or at a later meeting if requested, hear mitigating circumstances and consider the pupil's academic and disciplinary record before deciding on the sanction. If expulsion or required removal is being considered, the procedures set out in the School's Behaviour policy will be followed.

**Sanction following use, possession or supply of drugs:** Anyone supplying drugs must expect to be permanently excluded immediately even if they are about to sit public examinations. Anyone possessing or using drugs must also expect to be permanently excluded but, in exceptional cases, a supportive regime may be offered as an alternative to expulsion. At the Head's sole discretion, a pupil who contravenes the School's policy may be allowed to continue in the School on certain conditions which must be strictly adhered to, and which are outlined below:

#### **Circumstances & Conditions:**

- The pupil must have no previous record of serious breach of the School's discipline in any matter.
- The offence must be the use or possession of drugs and not the supply of drugs.
- The pupil must show due remorse.
- The pupil must provide details about when they last took a drug.
- The pupil no longer uses drugs or must be prepared to meet a programme for giving up using drugs.
- The pupil must cooperate in identifying sources of supply and in identifying other pupils who are involved in substance misuse, possession or supply.
- Parents must signal their unequivocal endorsement of the School's policy.
- The parents and pupil must consent to the School's right to require the pupil to undergo regular testing for drug use and parents agree to cover the cost of the tests.
- Subsequent use, possession or supply of a drug will be cause for immediate dismissal, as will any other serious breach of School discipline

#### **The Head is not obliged to offer this supportive regime.**

**Supportive regime:** In the case of drug or substance abuse, if there are extenuating circumstances and the pupil is not permanently excluded from the School and at the Head's sole discretion, the pupil will be put on a randomly-timed drug testing programme which will be supported by an outside agency qualified to do the testing, such as a GP. If any subsequent tests are positive, the pupil can expect to be permanently excluded from the School immediately.

Refusal to take a test in these circumstances may also result in the pupil being required to leave the School.

**Review:** If the pupil is permanently excluded or required to leave, they and their parents may request a Board Review.

### **Smoking and Vaping**

A pupil who is caught smoking, is suspected of smoking, is in possession of tobacco or smoking paraphernalia or has supplied such products to other pupils will be subject to the School's disciplinary procedures.

Smoking paraphernalia includes any other smoking related products such as nicotine substitutes and electronic cigarettes.

### **Safeguarding**

Pupil safeguarding and Child Protection procedures will be taken into account when applying this policy. If a child is in danger of immediate, serious harm, elements of these outlined procedures may not be followed in order to expedite appropriate care for the child.

### **Related policies and guidance**

[DfE and ACPO drug advice for schools \(September 2012\)](#)

[DfE: Use of reasonable force \(July 2013\)](#)

[DfE: Searching, screening and confiscation: advice for schools \(July 2022\)](#)

[Behaviour and Discipline Policy](#)

## Appendix 1

### Searching and Confiscation Policy

All schools have a general power to impose reasonable and proportionate disciplinary measures on pupils (Education and Inspections Act 2006). This enables a member of staff to confiscate, retain or dispose of a pupil's property as a disciplinary penalty where it is reasonable to do so. The School's policy on searching and confiscation complies with the DfE's guidance, Searching, Screening and Confiscation (July 2022).

#### 1.0 Prohibited items

1.1 The School deems the following to be "prohibited items" in accordance with Section 550ZA (3) of the Education Act 1996 and Regulation 3 of the Schools (Specification and Disposal of Articles) Regulations 2012.

1.1.1 Knives or weapons, alcohol, illegal drugs and stolen items;

1.1.2 Tobacco and cigarette papers, fireworks and pornographic images;

1.1.3 Any article that a 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's 'Guidelines' or the 'Smoking, Alcohol and Drugs Policy'.

The School has banned items that are reasonably believed potentially to cause harm or disruption. Pupils must not have these items in their possession on School premises or when they are in the lawful charge and control of the School (for example, on a School trip).

**Searching with consent:** The pupil will usually be asked to consent before any search is undertaken. The age, maturity and any special needs of the pupil will be taken into account when considering their ability to consent. Written consent will not usually be required.

If the pupil refuses, disciplinary action may be taken in accordance with the School's 'Discipline and Rewards' Policy.

**Searching for prohibited items:** Where the Head or an authorised member of staff have reasonable grounds to suspect that a pupil may have a prohibited item, no consent is required and the search will be carried out. Reasonable force may be used during such a search, with the exception of searches for items only banned by the 'Guidelines'.

The Head can carry out searches and retain or dispose of items in accordance with this policy. They have also authorised the following staff members to do so:

- Members of the SLG
- Houseparents, Assistant Houseparents and staff residing in boarding accommodation or on duty in one of the houses;
- All members of the teaching staff.

Searches will be carried out on School premises or where the member of staff has lawful control or charge of the pupil (for example, on a School trip or in training settings). When pupils travel outside England on a School trip, a condition of participating in the trip will be that pupils give written consent to any search considered necessary by an authorised member of staff when they are outside England.

If there are reasonable grounds for suspecting that a pupil has a prohibited item, it may be appropriate for a member of staff to carry out:

- A search of outer clothing;
- A search of School property (for example, a room in a house, a locker or a desk); and/or
- A search of personal property (for example, a bag or pencil case).

Searches will be conducted in a manner that minimises embarrassment or distress. Unless the circumstances are immediately dangerous, searches will be carried out in the presence of another member of staff. Where possible, the searcher and the second member of staff present will be the same gender as the pupil. Where it is reasonably believed that serious harm may be caused to a person if the search is not immediately carried out, a member of staff may carry out a search of a pupil of the opposite sex and/or in the absence of another staff member. Where authorised staff 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.

There is no legal requirement for the School to inform parents before a search takes place or to seek their consent, and it is not generally practical to do so. However, the School will inform parents of any search that takes place and provide details of any items found.

The School will keep a record of searches which can be inspected by the parents of the pupil(s) involved, subject to any restrictions under the School's 'Data Protection Policy'.

Responsibility for overseeing this record lies with the Head.

### **Confiscation**

Under the School's general power to discipline, a member of staff may confiscate, retain or dispose of a pupil's property as a disciplinary penalty where it is reasonable to do so. Confiscation may take place whether or not a pupil has consented to a search.

In appropriate cases, we will consult parents about how the School should dispose of certain items. The School will take reasonable care of any items confiscated from pupils. However, the School does not accept responsibility for loss or damage to property (unless negligent or guilty of some other wrongdoing causing injury, loss or damage).

**Handling of confiscated items:** Alcohol will be disposed of by pouring into a drain or being placed into a refuse bin.

Controlled drugs will usually be delivered to the police as soon as possible. The drugs may be destroyed without the involvement of the police if an authorised member of staff thinks there is an exceptional reason to do so. The staff will use their professional judgement to determine whether the items can be safely disposed of.

Other substances which are not illegal drugs but are harmful or detrimental to good order and discipline (for example "legal highs"), may be confiscated and destroyed. Where it is unclear whether the substance seized is an illegal drug, it will be treated as though it is illegal and disposed of as per the item. Stolen items will usually be delivered to the police as soon as possible. However, they may be returned to the owner without the involvement of the police if an authorised member of staff thinks there is good reason to do so. This is likely to apply to items of low value (for example, pencil cases).

Tobacco products or cigarette papers will be destroyed.

Fireworks will be disposed of safely and at the discretion of an authorised staff member (this includes donating the fireworks to an appropriate charity).

**Pornographic images:** These will be handed to the police as soon as practicable if images involve children or constitute "extreme pornography" under section 63 of the Criminal Justice and Immigration Act 2008. As possession of such images may indicate that the pupil has been abused, the School's Head of Safeguarding (DSL) will also be notified, and the matter may be referred to children's social care.

Staff who discover these should discuss them with the School's Head of Safeguarding (DSL) if they do not constitute "extreme pornography". The images may then be passed to children's social care for consideration of any further action. If no action is taken by the local authority, the images will be erased after a note confirming the nature of the material has been made for disciplinary purposes.

**Articles used to commit an offence** may be delivered to the police, returned to the owner, retained or disposed of at the authorised staff member's discretion.

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

**Electronic devices** may be searched and erased if there is good reason to suspect that the device can (or has) been used to cause harm or break School rules. Alternatively, the member of staff may retain it as evidence of a breach of School discipline or a criminal offence and may hand it over to the police for investigation. Where devices are used to disrupt teaching, the device may be collected by a parent and the pupil will be prohibited from bringing any device onto school premises or on school trips.

### **Complaints about Searching or Confiscation**

Complaints about searching or confiscation will be dealt in line with the School's *Complaints Policy*.