



ST EDMUND'S COLLEGE
& PREP SCHOOL

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

St Edmund's College

March 2022

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1 **Aims**

- 1.1 This is the policy on smoking, alcohol and the misuse of drugs and substances of St Edmund's College including St Edmund's Prep School (**College**).
- 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 increase understanding about the implications and possible consequences of use and misuse of tobacco, alcohol, drugs and substances;
 - 1.2.3 to prevent smoking and the misuse of tobacco, alcohol, drugs and substances in and out of the College;
 - 1.2.4 to reduce the risk of alcohol, drug and substance related misconduct in and out of the College;
 - 1.2.5 to maintain a smoke-free environment where smoking (as defined below) is prohibited and keep unauthorised tobacco, alcohol, drugs and substances out of the College; and
 - 1.2.6 to actively promote the rule of law.

2 **Scope and application**

- 2.1 This policy applies to the whole College including the Early Years Foundation Stage (**EYFS**).
- 2.2 This policy applies to all pupils at the College and at all times when a pupil is:
 - 2.2.1 in or at College;
 - 2.2.2 representing the College or wearing College uniform;
 - 2.2.3 travelling to or from College;
 - 2.2.4 on College-organised trips;
 - 2.2.5 associated with the College at any time.
- 2.3 This policy shall also apply to pupils at all times and in all 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 College community or a member of the public;
 - 2.3.2 have repercussions for the orderly running of the College; or
 - 2.3.3 bring the College into disrepute.
- 2.4 This policy applies to the:
 - 2.4.1 possession (as defined below);
 - 2.4.2 use / consumption (as defined below);
 - 2.4.3 supply (as defined below)

of tobacco, alcohol, drugs and substances (as defined below), whether or not the activity may constitute a criminal offence.

3 Regulatory framework

3.1 This policy has been prepared to meet the College'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 *Statutory framework for the Early Years Foundation Stage* (DfE, March 2017);
- 3.1.4 Education and Skills Act 2008;
- 3.1.5 Children Act 1989;
- 3.1.6 Childcare Act 2006;
- 3.1.7 Data Protection Act 2018 and General Data Protection Regulation (GDPR);
- 3.1.8 Equality Act 2010; and
- 3.1.9 Smoke-free (Premises and Enforcement) Regulations 2006.

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);
- 3.2.3 Independent Schools Inspectorate (ISI) Regulatory Guidance;
- 3.2.4 Searching, screening and confiscation: advice for schools (DfE, January 2018); and
- 3.2.5 Drug penalties guidance (Gov.uk).

3.3 The following College policies, procedures and resource materials are relevant to this policy:

- 3.3.1 behaviour policy;
- 3.3.2 permanent exclusion and removal: review procedure;
- 3.3.3 safeguarding and child protection policy;
- 3.3.4 risk assessment policy;
- 3.3.5 College rules (including the Student Handbook, Boarding Handbook and Prep School Code of Conduct);
- 3.3.6 Medicines policy; and
- 3.3.7 parent contract.

4 **Publication and availability**

- 4.1 This policy is published on the College 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 Headmaster's Office during the College day.
- 4.4 This policy can be made available in large print or another 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 Governing Body.
 - 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 a pupil in accordance with the procedures set out in this policy.
 - 5.1.4 **Drugs and substances:** for the purposes of this policy these terms mean controlled drugs; psychoactive substances; substances intended to resemble drugs and / or the paraphernalia of drugs, such as (without limitation) any equipment, product or accessory intended or modified for making, using or concealing drugs; "legal" drugs i.e. those which can be obtained from a shop (including online); performance enhancing drugs; anabolic steroids; glue and other substances (including but not limited to solvents and propellants) held or supplied in each case for purposes of taking / consuming and / or misuse.
 - 5.1.5 **Tobacco** means any tobacco-related product and / or paraphernalia including cigarettes, cigars and pipes and any other smoking-related products such as tobacco and cigarette papers, nicotine and nicotine substitutes, shishas, e-shishas, e-liquids, electronic cigarettes, cig-a-likes and vapourising devices.
 - 5.1.6 **Smoking** means smoking tobacco or anything containing tobacco, or smoking any other substance in a form in which it could be smoked. For the purpose of this policy, smoking also refers to the smoking or vaping of e-cigarettes, shishas, e-shishas, cig-a-likes, or electronic vapourisers.
 - 5.1.7 **Possession** means any items over which the pupil has or appears to have control – this includes clothing, desks, lockers and bags.
 - 5.1.8 **Supply** means providing or sharing (whether or not for money or other consideration) or facilitation of supply e.g. sale, exchange or sharing. It also includes the promotion / advertisement of supply.
 - 5.1.9 **Use** means the taking / consumption of tobacco, alcohol, drugs or substances.
 - 5.1.10 **Misuse** means the unauthorised taking / consumption of tobacco, alcohol, drugs or substance through which harm could occur and / or is in breach of the College rules and / or the law.

5.1.11 **Substance abuse** means alcohol consumption or drug / substance taking which harms health and may be part of a wider spectrum of problematic or harmful behaviour.

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	Deputy Head Pastoral	As required, and at least annually
Monitoring the implementation of the policy, relevant risk assessments and any action taken in response and evaluating effectiveness	Deputy Head Pastoral	Ongoing
Maintaining up to date records of all information created in relation to the policy and its implementation as required by the GDPR	Executive Assistant Pastoral	Ongoing
Reacting to input from interested groups (such as pupils, staff, parents) to consider improvements to the College's processes under the policy	Deputy Head Pastoral	Ongoing
Formal annual review	Proprietor	Annually

7 Smoking policy

7.1 The College operates a smoke free policy and a total smoking ban within its buildings, grounds and vehicles.

7.2 The total smoking ban applies to pupils, parents, visitors, members of the public and others using the College's premises or vehicles and the circumstances set out in paragraph 2 of this policy.

7.2.1 Staff (including volunteers) should refer to the smoke Free policy in the staff handbook for guidance.

8 College rules

8.1 Pupils are forbidden from:

- 8.1.1 smoking inside or outside College premises, being in possession of tobacco while in the care of the College or supplying tobacco to other pupils;
- 8.1.2 bringing alcohol onto College premises or being in possession of alcohol, without prior consent from the Headmaster or member of SLT or obtaining or supplying alcohol to another, or being impaired by alcohol while on College premises or in the care of the College;
- 8.1.3 any production, possession, use or supply of drugs and substances;
- 8.1.4 bringing the College into disrepute for any reason associated with tobacco, alcohol or drugs and substances, whether or not the pupil is in the care of the College at the relevant time.

8.2 Parents

- 8.2.1 If a parent attending College premises appears to be under the influence of alcohol, drugs or substances, they will be asked to leave and the member of staff making the request should refer the matter to the College's Designated Safeguarding Lead.
- 8.2.2 If a member of staff suspects that a parent has driven or will drive whilst under the influence of alcohol, drugs or substances, 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.
- 8.2.3 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, drugs or substances, the child will not be released into the care of the parent and the College's safeguarding and child protection policy and procedures will be followed.

9 Education and instruction

- 9.1 The education of pupils about alcohol, tobacco, drugs and substances and their dangers forms part of the College's programme of personal, social and health education (**PSHE**) and is within the framework of the overall pastoral care policy. It includes classroom teaching, group discussions and talks by experts from outside the College.
- 9.2 The College educates pupils to understand:
 - 9.2.1 the effect and risks associated with the use of alcohol, tobacco, drugs and substances in relation to their health and well-being and the law; and
 - 9.2.2 possible criminal offences relating to their use.
- 9.3 All members of staff receive training about alcohol, tobacco, drugs and substances so that they are alert to the warning signs of drug misuse and can respond appropriately when pupils seek advice or assistance.
- 9.4 The College 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 pupil's welfare, or considers that a

pupil may benefit from early help, should report this to the Designated Safeguarding Lead in accordance with the College's safeguarding and child protection policy and procedures.

If a parent reports their child as a user of nicotine, alcohol, drugs or substances or a pupil themselves does so and asks for help, the pupil is likely to be given at least one opportunity to reform their behaviour with an appropriate support and a testing regime (see Appendix 3 and 4).

10 Advice and assistance

- 10.1 Pupils are encouraged to discuss their anxieties about alcohol, tobacco, drugs and substances in confidence with a member of staff or other responsible adult. They also have access to information about outside agencies able to provide advice, support and assistance. Accredited counselling services can be recommended by the College to a pupil in appropriate circumstances, after consultation with his / her parents.
- 10.2 Parents themselves are asked to inform a member of SLT if they have any reason to think that their child may have been involved with alcohol, tobacco, drugs and substances, so that suitable advice, support and assistance can be given. However, each case will be given careful consideration in light of its individual circumstances and the Headmaster will make a decision as to whether or not the College's disciplinary procedure is to be followed or, as an alternative, to request that the pupil submits to a supportive regime which may include: counselling, re-education and further testing at frequencies determined by the Headmaster.

11 Risk assessment

- 11.1 Where a concern about a pupil's welfare is identified, the risks to that pupil's welfare will be assessed and appropriate action will be taken to reduce the risks identified.
- 11.2 The format of risk assessment may vary and may be included as part of the College's overall response to a welfare issue, including the use of individual pupil welfare plans (such as behaviour, healthcare and education plans, as appropriate). Regardless of the form used, the College's approach to promoting pupil welfare will be systematic and pupil focused.
- 11.3 The Deputy Head Pastoral has overall responsibility for ensuring that matters which affect pupil welfare are adequately risk assessed and for ensuring that the relevant findings are implemented, monitored and evaluated.
- 11.4 Day to day responsibility to carry out risk assessments under this policy will be delegated to the Designated Safeguarding Lead who has been properly trained in, and tasked with, carrying out the particular assessment.

12 Investigation

- 12.1 Every complaint, allegation or rumour or observation of pupil 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 College's behaviour policy.
- 12.2 If the findings of the investigation support the allegation, complaint or rumour or observation of pupil behaviour, a disciplinary meeting will usually be held, in accordance with the procedures set out in Appendix 3 of the College's behaviour policy.

12.3 Searches for tobacco, alcohol, drugs and substances

12.3.1 College staff can search a pupil for tobacco, alcohol, drugs or substances with his / her 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.

12.3.2 A pupil may be searched without his / her consent for tobacco, alcohol, drugs or substances in accordance with the College's policy on searching and confiscation (see the procedures set out in Appendix 4 of the College's behaviour policy).

12.4 Testing

12.4.1 A pupil reasonably 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 to:

- (a) deter breaches of College discipline;
- (b) identify users;
- (c) absolve those who have been wrongly suspected.

12.4.2 Alcohol

See Appendix 1 for details of the testing procedure for alcohol.

12.4.3 Drugs and substances

See Appendix 2 for details of the testing procedure for drugs and substances.

12.4.4 Although tests are not infallible, the College will treat a positive test as evidence that the pupil is likely to have consumed alcohol or been using drugs or substances, as appropriate.

13 Consent to testing

13.1 The relevant consent to a test is that of the pupil rather than their parent(s) provided that they are of sufficient maturity and understanding and give their informed consent in writing. Where the pupil is not deemed to have sufficient maturity or understanding or to be fit to give informed consent themselves, then consent will be sought from a parent or guardian.

13.2 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.

13.3 If a pupil refuses to provide a biological sample they will be asked to say why they have refused. Where the pupil is of sufficient maturity, the College will be entitled to draw appropriate inferences from their response and general demeanour. If a parent's consent is required and they refuse to consent to their child providing a biological sample, or their child refuses to cooperate in spite of their consent, the College may only draw appropriate inferences from the pupil's general demeanour.

13.4 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.

14 Police involvement

- 14.1 The College must notify the police and / or relevant agencies of actual or alleged criminal activity.
- 14.2 If the College suspects that a criminal offence has taken place in relation to the possession, use or supply of alcohol, drugs or substances, then consideration will be given to reporting this to the police and the relevant local authority.
- 14.3 If the police suspect that a pupil possesses or has stored drugs, substances or related paraphernalia, they may elect to investigate using their own procedures or may pass the matter back to the College to investigate.
- 14.4 If the College seizes a controlled drug, it must deliver the drug to the police as soon as reasonably practicable, or dispose of it if they believe there is a good reason to do so. Substances suspected to be controlled drugs will be dealt with in the same manner.¹
- 14.5 Other substances considered to be harmful or detrimental to good order and discipline will be confiscated. The Deputy Head Pastoral will take account of all relevant circumstances and use their professional judgement to determine whether they can safely dispose of the seized substance.²
- 14.6 The College will retain, dispose of or destroy tobacco, alcohol, smoking equipment.³

15 Sanctions

- 15.1 Where a pupil breaches any of the College rules set out in this policy, the Proprietor has authorised the Headmaster and the Prep Headmaster to apply any sanction which is appropriate and proportionate to the breach in accordance with the College's behaviour policy. In addition consideration will be given to appropriate support for the pupil.
- 15.2 The following guidelines as to sanctions will apply:
- 15.2.1 **Tobacco and alcohol:** Sanctions will be applied in accordance with the College's behaviour policy. For a serious breach or persistent breaches, a pupil may be permanently excluded or removed from the College.
- 15.2.2 **Drugs:** Sanctions will be applied in accordance with the College's behaviour policy. Any pupil producing or supplying drugs or substances should expect to be permanently excluded even if they are about to sit public examinations.

16 Training

- 16.1 The College ensures that regular guidance and training is arranged on induction and at regular intervals thereafter so that staff and volunteers are alert to the warning signs of drug misuse, understand what is expected of them by this policy and have the necessary

¹ In accordance with the law and recommendations set out in *Searching, screening and confiscation: advice for schools* (DfE, January 2018) and *DfE Drugs advice for schools* (September 2012)

² In accordance with the law and recommendations set out in *Searching, screening and confiscation: advice for schools* (DfE, January 2018)

³ In accordance with the law and recommendations set out in *Searching, screening and confiscation: advice for schools* (DfE, January 2018)

knowledge and skills to carry out their roles and respond appropriately when pupils seek advice or assistance.

16.2 The level and frequency of training depends on role of the individual member of staff.

16.3 The College maintains written records of all staff training.

17 **Record keeping**

17.1 All records created in accordance with this policy are managed in accordance with the College's policies that apply to the retention and destruction of records.

17.2 Sensitive personal information about pupils is disclosed only on a "need to know" basis with careful attention to pupils' rights and needs.

17.3 The records created in accordance with this policy may contain personal data. The College has a number of privacy notices which explain how the College will use personal data about pupils and parents. The privacy notices are published on the College's website. In addition, staff must ensure that they follow the College's data protection policies and procedures when handling personal data created in connection with this policy. This includes the College's Data Retention policy.

18 **Version control**

Date of adoption of this policy	4 th March 2021
Date of last review of this policy	Lent Term 2022
Date for next review of this policy	Lent Term 2023
Policy owner (SLT)	Deputy Head Pastoral
Policy owner (Proprietor)	Governing Body
Sub-Committee Reviewed at	Academic Sub-Committee

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 Senior Leadership Team or Housemasters/Housemistresses.
- 2 **Refusal:** If a pupil refuses to provide a sample of breath, they 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 and substances

- 1 **Biological sample:** If there is reason to suspect that a pupil has been involved with drugs and / or substances, they may be asked to supply, under medical supervision, a biological sample (e.g. saliva, hair or urine) for analysis.
- 2 **Medical supervision:** The biological sample will be taken under medical supervision. A member of the College staff will also 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 *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 in circumstances where the test sample needs to be sent to an external laboratory, the pupil will be asked to sign various seals and documents which confirm that the specimens are theirs;
 - 3.3 the pupil will also be asked to sign a form which signifies that they are satisfied with the collection procedure and give consent for the results of the test being made available to the Headmaster.
- 4 **Medical record:** The outcome of the test, whether positive or negative, will not form part of the pupil's permanent medical record.
- 5 **Outcome:** When the College receives the test result:
 - 5.1 reasonable attempts will be made to notify the pupil and a parent;
 - 5.2 if the result is negative, any second sample will be destroyed immediately;

Appendix 3 Supportive regime

Full name of pupil	
Date	
Pupil's date of birth	
Age now	
1	I have admitted to using a drug or substance in breach of the College's policy and disciplinary rules. I have read and understood these documents.
2	The Headmaster has offered me a supportive regime which will include testing. For the next six school terms, I may at any time be asked to provide a saliva / hair / urine or other sample for analysis in accordance with the procedures described in the policy.
3	I understand that I may be asked to provide a sample at any reasonable time even if no grounds exist at that time to suspect that I have been involved with drugs and / or substances.
4	I agree to be subject to this regime and to cooperate with the College in every respect. I understand that the College will take all reasonable care to preserve my confidentiality and human rights in the operation of this regime.
5	I also understand that if, without good reason, I fail to cooperate with this regime or if a test proves positive I would almost certainly be required to leave the College.
Signed	

Appendix 4 Declaration of parents / guardian / education guardian

I / We the undersigned have read the College's policy on drugs and substances, and this Appendix. For my / our part, I / we accept the Headmaster's offer of a supportive regime for the above named pupil, as described above.

I / We undertake to cooperate with the regime in all respects and to pay the laboratory charges, if applicable, for each test.

Signed	
Full name	
Relationship to pupil	
Date	

Signed	
Full name	
Relationship to pupil	
Date	