

## Substance Misuse Policy

This policy has been designed in line with West Berkshire Councils (WBC) Schools' Protocol for Managing Drug Related Incidents (2008), and with close reference to the [DfE and ACPO drug advice for schools DfES \(2012\)](#) and the [DfE Searching, Screening and Confiscation \(2014\)](#). This policy has been developed through a consultation process involving all managers and staff and is directly linked to Engaging Potential's (EP) policies and procedures for behaviour management, safeguarding, accident/incident reporting, and confidentiality.

### Policy Statement

- EP condones neither the misuse of drugs and alcohol by members of staff or young people, nor the illegal supply of these substances
- EP is committed to the health and safety of both staff and young people and will take action to safeguard their wellbeing
- EP acknowledges the importance of its pastoral role in the welfare of young people and through its general ethos will seek to persuade young people in need of support to come forward
- EP takes a pro-active stance on drugs education believing it is a vital part of the personal and social development of every young person
- Parents/Carers are to be kept informed and involved at all times.

### Scope of Policy

This policy applies to all managers, staff, young people and parents/carers involved with EP. The procedures contained within this policy are relevant to both on-site and off-site activities.

- **Managing Medical Emergencies**

EP's highest priority will always be the prompt and effective management of medical emergencies. The health safety and welfare of each individual young person is paramount.

- **Confiscation, Disposal and Storage**

All unauthorised drugs found on the premises will be confiscated and stored safely (for example in a locked filing cabinet). When this involves voluntary searches of persons or property, there will always be a witness present.

Young people and parents / carers will be expected to inform EP of all prescribed drugs being brought onto the premises. This is facilitated through the use of a medical form to be completed by parents/carers as part of the young person's induction to EP.

- **Investigation**

Careful and objective investigation of any allegation or incident will always be undertaken. The responses of the young person will be elicited and carefully recorded, and all relevant contextual information will be gathered and recorded on West Berkshire Council's reporting system

- **Assessment and Evaluation**

The evaluation of an incident will take account of the medical, personal and educational needs of the young person concerned as well as other young people who might be affected.

- **EP Response**

EP's response will be proportionate to the seriousness of the incident and in line with the Behaviour Management Strategy. A key part of the response will be to ensure that identified needs of the young person involved are met.

- **Help from Outside Agencies**

Help from outside agencies will always be sought in an appropriate manner, with the consent of the young person and parents/carers. Referral routes will be clear and agreed. Advice will be available from such agencies without consent, as long as personal details are not shared. Staff will work within the EP's Confidentiality Policy.

- **Confidentiality**

Staff members cannot and should not promise confidentiality. Other agencies may have to become involved at some stage in the process. Every effort will be made to inform and involve parents as soon as is practical in the situation. Safeguarding issues will be referred to the designated Safeguarding Officer.

- **Communicating with Young people**

Young people will be made aware of the rules regarding authorised and unauthorised drugs as part of their induction to EP and/or through PSHE sessions.

- **Staff Support & Training**

Staff will receive drug awareness training and will become familiar with EP's substance misuse policy and other related policies.

- **Medical Emergencies**

In every case of an incident involving drugs, EP places the upmost priority on safety, meeting any medical emergencies with first aid and summoning appropriate help before addressing further issues. If in doubt, seek medical assistance immediately.

### **Procedure if illegal drugs are found/suspected, or if a young person is under the influence of an unknown drug**

If illegal drugs are found or suspected, or if a young person is under the influence of an unknown drug the procedure is:

- If medical help is needed, seek or provide it at once
- Confiscate any drug (ensuring that you have a witness)
- Identify substance, in case doctor needs to know
  - Give sample to ambulance crew/hospital if required or
  - Store substance, record carefully. (Ensure you have witnesses)
- Take written statements from all concerned
- Inform Head / Centre Manager
- Determine how serious the incident is
- Assess the young person's need in terms of education, support, sanctions. Record as necessary
- Consider the needs of any other young people involved or implicated
- Consult / refer as appropriate with outside agencies e.g. The Edge / Police for advice with assessment of the situation
- Consult with the Head / Centre Manager to review the situation and decide on a response.
- Record the incident on WBC Reporting system

For off-site activities, the above procedure must be followed, and arrangements must be made to transport the young person home. The parents/carers will meet the costs of these arrangements as detailed in the parent/carer consent form for trips and visits.

Where police are involved in identifying a substance or in acknowledging that EP has a substance stored on site – phone them and ask for a Unique Reference Number (URN) so that

your call is logged as evidence of your actions. This number can be recorded on WBC reporting system.

If it is decided to take a substance to the local police station rather than store it on site – phone the police station first to inform them of your actions.

### Confiscation

The law permits EP staff to take temporary possession of a substance suspected of being an illegal drug for the purposes of preventing an offence from being committed or continued in relation to that drug providing that all reasonable steps are taken to destroy the drug or deliver it to a person lawfully entitled to take custody of it.

In taking temporary possession and disposing of suspected illegal drugs, EP must:

- ensure that a second adult witness is present throughout
- seal the sample in a plastic bag and include details of the date and time of the seizure/find and witness present. The police will provide drug bags for this purpose
- store it in a secure location (locked filing cabinet, safe, etc) with access limited to two senior members of staff
- without delay notify the police, who will collect it and then store it. The law does not require EP to divulge to the police the name of the young person from whom the drugs were taken.
- record full details of the incident on WBC Reporting system, including the police incident reference number
- inform parents/carers, unless this would jeopardise the safety of the young person

Staff should not attempt to analyse or taste unknown substances. Police can advise on analysis and formal identification, although this is normally carried out only if it will be required as evidence within a prosecution.

If a substance suspected of being an illegal drug is confiscated / found during an off-site activity or during a trip, the member of staff must contact the police without delay to let them know of the intention to bring the substance to them.

### Disposal

Needles or syringes found on EP premises should be placed in a sturdy, secure container (for example, a tin with lid), using gloves. Soft- drink cans or plastic bottles should not be used. Used needles and syringes should not be disposed of in domestic waste.

### Searches

- **Personal searches** – When a young person is suspected of concealing illegal or other unauthorised drugs, **it is not appropriate for a member of staff to carry out a personal search**. This includes the searching of outer clothing and inside pockets. Every effort should be made to persuade the young person to hand over voluntarily any drugs, in the presence of a second adult witness. Where the individual refuses and the drug is believed to be illegal, and EP wishes to proceed along formal lines, then the police must be called. **The police can conduct a personal search if they believe a crime has taken place, or to prevent harm to themselves or others following an arrest**. It not permitted to detain a person without their consent unless a citizen's arrest is made.
- **Searches of personal property** – **EP must not search personal property without consent**. If EP wishes to search personal property, for example a bag or pencil case, they should ask for consent. Where consent is refused, it may be necessary to notify parents/carers, who may

persuade their child to give consent, or may wish to proceed along formal lines calling the police. **HOWEVER**, if consent is not granted then it is possible to conduct a search but only with the permission of the Head OR Centre Manager and only when searching for prohibited items, such as knives, weapons, alcohol, illegal drugs and stolen items, fireworks and pornographic images.

After any search involving young people, parents/carers will be contacted by EP, regardless of whether the result of the search is positive or negative.

### **Investigation, Assessment and Evaluation**

EP will conduct a careful investigation to judge the nature and seriousness of each incident. The emphasis will be on listening to what people have to say and asking open-ended, rather than closed or leading questions. EP will separate any young people involved in the incident and ensure that a second adult witness is present.

EP will consider any known information it has about the young person's development, maturity, recent changes in behaviour and involvement with other agencies.

The Head / Centre Manager will inform, consult and involve others as necessary. Careful attention is given to respecting the confidentiality of those involved. A range of factors may be relevant and need exploring to determine the seriousness of the incident, the needs of those involved and the most appropriate response.

Questions will aim to determine:

- If the incident is a rumour or if there is evidence?
- The medical needs of the young person
- Personal circumstances of the young person e.g. accommodation, medical, family parent/carers
- The young person's perspective on the incident – Admits? Denies?
- Whether the young person is aware of the rules – aware of the consequences?
- What the young person knows about their actions – ignorant, naive, informed?
- How the young person feels about the situation – remorse? rebellion?
- What the substance is and whether it is legal or illegal?
- The amount of the substance being used. Personal use? Supply?
- If supply of illegal drugs is suspected, how much was supplied, and was the young person coerced into the supply role, were they 'the one whose turn it was' to buy for others, or is there evidence of organised or habitual supply?
- Whether the young person is aware of local agencies such as The Edge?
- What expectations they have about what will happen next?
- The effect of the incident on other young people

It is considered **good practice** to:

- Separate the investigation of the incident and the assessment of the person's needs using two different people one to investigate the incident and one to identify the young person's needs.
- Keep a record of any interviews with young people
- Consult with outside agencies as **part of the assessment** of needs and **before** final decisions about responses can be made.
- Involve the Head in the review of the incident

- Liaise with the police and develop clear procedures for their involvement – when, in what capacity and how?

### EP Responses

If a young person has been involved in a drug related incident (e.g. they have been found with an illegal drug (including alcohol) in their possession / they are thought to be under the influence of a substance / they are suspected of involvement / they are intending to supply a drug to others), and as a result they are at risk of exclusion, then EP will refer them to the Edge. The Edge aims to:

- Help divert young people from possible exclusion relating to drug and alcohol use which may adversely affect them in the long term
- Provide a safe environment for young people to explore issues relating to their drug and alcohol use, their feelings and subsequent actions
- Help reduce the level of harm among young people participating in drug and alcohol use
- Increase the awareness of young people on drug issues in our society
- Prepare young people for present and future experiences

### Alternative Responses

All possible responses will be given careful consideration, will be consistent, and will be in line with EP's behaviour and disciplinary policies. These alternative responses are as follows:

- **Behaviour agreement** - In the case of serious breaches of discipline, a behaviour support plan agreed and signed by the young person, the parents/carers and EP can set out clearly the terms on which a young person can remain at EP and monitor progress towards greater stability. This may require the young person to be 'internally excluded' from normal contact with peers during the day for a fixed period in the first instance, until their behaviour has improved. Such an approach may incorporate targeted drug education and prevention to boost the young person's understanding and motivation to address their behaviour. This may be supported by outside agencies such as health workers, youth workers or drug specialists.
- **Counselling** - In some instances, counseling may be identified as potentially valuable to a young person. Counseling may be provided by trained counselors either on the premises or those of external agencies. Counseling rarely focuses on drug issues alone, and can consider more holistic needs, which may underlie or herald drug-related problems. Counseling is only appropriate when a young person wishes to take advantage of what it offers. It is usually neither constructive nor effective to attempt to impose it.
- **Fixed-term exclusion** - Exclusion should only be considered for serious breaches of EP's behaviour policy and should not be imposed without a thorough investigation unless there is an immediate threat to the safety of others or the young person concerned. It should not be used if alternative solutions have the potential to achieve a change in the young person's behaviour. It is the responsibility of EP to set work for the young person during this period of exclusion.
- **Permanent exclusion** – A decision to exclude a young person permanently is a serious one. Permanent exclusion should usually be the final step in the process for dealing with disciplinary offences after a wide range of other strategies have been tried without success. Supplying an illegal drug is a serious breach of EP rules and it is one of the exceptional circumstances where the Head may judge that it is appropriate to permanently exclude a young person, even for a one-off or first-time offence. In making this judgment the Head must consider the precise circumstances of each case, including the nature of the incident and the evidence available. This may also include the precise nature of the supply. Where young people are permanently excluded for supplying an illegal drug, repeated possession and/or use of an illegal drug on EP premises, it is not expected that the young person will be re-instated.

- **‘Managed move’** - A managed move, where another organisation takes over a young person’s education, requires the knowledge and co-operation of all parties involved, including the parents/carers and the LEA. It is only be considered for serious breaches of discipline and where it is clearly in the best interests of the young person. Managed moves work best when there is support available from the LEA to help integration.
- **Drug Education** - Teaching of Drugs (Substance Use and Misuse) will include the following approaches/aims:-
  - to enable young people to make healthy, informed choices by increasing knowledge, challenging attitudes and developing and practising skills
  - to provide accurate information about substances
  - to increase understanding about the implications and possible consequences of use and misuse
  - to encourage an understanding for those experiencing or likely to experience substance abuse
  - to widen understanding about related health and social issues, e.g. sex and sexuality, crime, HIV and AIDS
  - to seek and minimise the risks that users and potential users face
  - to enable young people to identify sources of support
- **Involving parents / carers**

In instances involving substance misuse or supply on the premises, and following discussion between staff members who know the young person well, parents/carers will be informed of this misuse at the earliest opportunity by the Head. The parents/carers can then work together with EP to support the young person involved.

Where EP suspects that to do this might put the young person’s safety at risk or if there is any other cause for concern for the young person’s safety at home, then EP will exercise caution when considering involving parents/carers. In any situation where a young person may need protection from the possibility of abuse, EP’s Safeguarding Officer should be consulted and safeguarding procedures followed.

EP encourages parents/carers to approach them if they are concerned about any issue related to drugs and their child. EP will refer parents/carers to other sources of help, for example, specialist drug agencies or family support groups.

When dealing with parents/carers under the influence of drugs on EP premises, staff should attempt to maintain a calm atmosphere. On occasion, a member of staff may have concerns about discharging a young person into the care of a parent/carer. In such instances, EP should discuss with the parent/carer if alternative arrangements could be made, for example asking another parent/carer to accompany the young person home.

The focus for staff will always be the maintenance of the child’s welfare, as opposed to the moderation of the parent’s/carer’s behaviour.

Where the behaviour of a parent/carer under the influence of drugs repeatedly places a young person at risk or the parent/carer becomes abusive or violent, staff will consider whether to invoke safeguarding procedures and/or the involvement of the police.

- **Involving the police**

*Illegal drugs* - There is no legal obligation to inform the police, though they may be able to give relevant support and advice. However, EP cannot knowingly allow its premises to be used for the production or supply or usage of any controlled drug. Where it is suspected that substances are sold or used on the premises, details regarding those involved and as much additional information as possible will be passed to the local police.

The police must, however, be involved in the disposal of illegal drugs.

*Legal drugs* - The police will not normally need to be involved in incidents involving legal drugs, but EP may wish to inform trading standards or police about the inappropriate sale or supply of tobacco, alcohol or volatile substances to young people in the local area.

EP will consider each substance incident individually and recognises that a variety of responses will be necessary to deal with incidents. EP will consider very carefully the implications of any action it may take, seeking to balance the interests of the young person involved with those of EP and the local community.

### **Confidentiality**

Staff cannot and should not promise total confidentiality. The boundaries of confidentiality should be made clear to young people. If a young person discloses information which is sensitive, not generally known, and which the young person asks not to be passed on, the request should be honored unless this is unavoidable in order for staff to fulfil their professional responsibilities in relation to:

- Safeguarding
- Co-operating with a police investigation
- Referral to external services.

Every effort should be made to secure the young person's agreement to the way in which EP intends to use any sensitive information.

It may be necessary to invoke safeguarding procedures if a young person's safety is under threat. It should be only in exceptional circumstances that sensitive information is passed on against a young person's wishes, and even then EP should inform the young person first and endeavor to explain why this needs to happen. These exceptions are defined by a moral or professional duty to act where there is a safeguarding issue **or** where a life is in danger.

<b>Version</b>	<b>Date</b>	<b>Description</b>	<b>Initials</b>
1			TW
2	30/04/12	Revised and Updated	TW
3		Revised and Updated	TW
4	30/08/14	Revised and Updated	TW
5	30/06/18	Revised and Updated	TW