

# LEARNER RELATED POLICY: DRUGS & ALCOHOL

This policy is biennially reviewed to ensure compliance with current regulations

|                             |                    |
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| <b>Approved/reviewed by</b> |                    |
| <b>Deputy Principal</b>     |                    |
| <b>Date of next review</b>  | <b>August 2023</b> |

This policy and procedure is subject to The Equality Act 2010 which recognises the following categories of individual as Protected Characteristics: Age, Gender Reassignment, Marriage and Civil Partnership, Pregnancy and Maternity, Race, Religion and Belief, Sex (gender), Sexual orientation, Disability, SocioEconomic Disadvantage

## 1. INTRODUCTION

The purpose of this policy is to protect learners, staff and visitors from the use / misuse of drugs. This policy also covers misuse of any other illegal / legal substances which can be dangerous when used excessively or inappropriately.

In this document the term “drug” will be used to cover the misuse of illegal, medicinal drugs and alcohol, tobacco, volatile substances and psychoactive substances (‘legal highs’). For classes of illegal drugs, please see Appendix 1.

## 2. COLLEGE’S POSITION

The College acknowledges the fact that drug use and misuse is a current and significant issue which concerns the whole community. In response to this, the policy aims to address the needs of learners, staff, parents / guardians and the wider community. The College’s role is to inform, discuss and present choices; however in doing this we have to ensure that we comply with our duty to safeguard young people and vulnerable adults and uphold the law.

The College premises will be an environment entirely free from illegal drugs, the paraphernalia of drugs, substances intended to resemble drugs and the “culture” of drugs, and alcohol. The College will promote a safe, healthy and supportive environment for staff, learners and visitors and will promote supportive and caring harm minimisation strategies which reduce the risks associated with drug use or misuse.

**A breach of this policy will be regarded as a serious breach of discipline and where there is criminal activity, this may be pursued as such.**

## 3. RESPONSIBILITIES

- 3.1 The College has a responsibility to uphold the law in all matters. Working within the framework provided by the *Misuse of Drugs Act 1971* and any other relevant legislation, the College is clear that the supply, possession and / or use of illegal drugs on its premises are both unacceptable and a criminal offence.
- 3.2 Under the *Misuse of Drugs Act 1971* it is an offence to allow premises to be used for the supply or use of controlled drugs. The College, therefore, has a responsibility to take reasonable steps to prevent such activities and to take action against anyone who engages in them. In addition the College has a legal obligation to provide a safe and healthy environment for learners, staff and visitors. The College will act to ensure it meets its legal responsibilities.

- 3.3 As the College wishes to be seen as both supportive and ensuring compliance we have agreed that we will allow the Police and Community Support Officers access to the College premises at all times.

#### **4. EDUCATION AND TRAINING**

- 4.1 The College will ensure that learners have a programme of education in relation to drug use and misuse through Making a Difference Curriculum but also wider College events utilising specialist professionals such as 'We are with you' and other agencies.
- 4.2 To ensure staff have the skills and experience to implement this policy there will be staff development where appropriate.

#### **5. SUPPORT**

It is essential that learners and staff should feel able to seek advice, support, guidance and counselling about drug related concerns and problems without fear, reprimand or punishment. This, in turn, requires respect for, and a commitment to confidentiality (unless the act is illegal, in which case we have a duty to take action), clarity and openness, and the widespread knowledge of appropriate internal and external advice and referral channels.

#### **6. DISCIPLINE**

The College has procedures for dealing with disciplinary issues for both staff and learners. Drug-related incidents will be dealt with in accordance with these procedures.

**DRUGS AND ALCOHOL POLICY: ACCOMPANYING GUIDELINES**

When considering any action under this policy the first priority should always be given to Health and Safety of staff, learners and visitors. Therefore, attendance at College whilst under the influence of drugs or alcohol is strictly forbidden to both staff and learners.

**1. EDUCATION AND INFORMATION**

The College has a variety of educational programmes to increase awareness of the dangers and ramifications of substance misuse. Awareness will be raised by the following means: -

- a) In service training and staff awareness events.
- b) Promotional campaigns in partnership with external agencies.
- c) Use of Making A Difference Curriculum.

**2. RECOGNITION OF AN ALCOHOL OR DRUG PROBLEM**

Staff will need to be able to recognise signs of possible alcohol or drug problems in peers or learners. The following signs or symptoms may provide an alert: -

- Unexplained absences, repeated short term sickness absence.
- Mood swings, depression, irritability aggression.
- Persistent lateness.
- Irresponsibility or reluctance to accept responsibility.
- Poor work performance.
- Deterioration of general appearance.
- Deterioration in relationships with colleagues.
- Personal difficulties which are affecting relationships and debt problems.
- Unsafe working, prone to accidents.

**3. RECEIVING INFORMATION RELATING TO DRUGS AND/OR ALCOHOL**

- a) No member of staff should promise complete confidentiality.
- b) Any concerns and information should be shared with the Duty Manager in order to decide appropriate action.

- c) Staff need to be cautious when handling second hand information and need to accurately record factual detail and get a signed statement from the reporting party. The information needs to be passed to the relevant Curriculum Leader if the evidence implies learner involvement. If it is suggested that there is staff involvement this needs referring to the Executive Director: People who will decide on appropriate action depending on the validity of the information / statement and further investigation.
- d) If staff are made aware that there could be a case where a learner / staff member is accused of supplying drugs and/or alcohol then this should be passed to a member of the Executive Team for appropriate action. This may also involve referral to the Police.
- e) All information should be dealt with in the strictest confidence to ensure that any party is dealt with in an impartial and non judgemental manner until the situation is resolved / referred to a third party.

#### **4. IF DRUGS AND/OR ALCOHOL MISUSE IS SUSPECTED**

If a learner / staff member is thought to be under the influence of a legal / illegal substance which seems to be affecting his / her behaviour then this should be referred to the Curriculum Leader or in the case of a staff member the Assistant Principal: Curriculum plus the Executive Director: People. The assistant Principal: Curriculum will take appropriate action depending on circumstances; this may include one or more of the following depending on severity.

##### **Action to be taken with learners: -**

- To take the learner for interview in a private location. It may be necessary to call a First Aider to see if medical assistance is needed.
- To contact parent / guardian to collect the learner. If the learner is in an intoxicated state and it is not deemed safe for him / her to leave the premises alone as he / she will not be allowed to travel using public transport.
- If there is a potential safeguarding issue if parents are contacted, you must liaise with Safeguarding Team.
- If parent / carer refuses or is unable to get another family member / friend to collect the learner, the College has a duty of Care to ensure the client is safe and cared for and in this instance would contact the Duty Manager.
- To refer to Assistant Principal: Learner Experience for advice or assistance.
- To temporarily suspend from workshop / classroom activities if it is felt there could be a Health and Safety risk. THIS IS A PRECAUTIONARY MEASURE ONLY AND DOES NOT ASSUME GUILT.
- If the learner is felt to be at risk the safeguarding policy and procedures will be followed.

**Action to be taken with staff: -**

- To take the staff member for interview in a private location. It may be necessary to call a First Aider to see if medical assistance is needed.
- If the staff member is in an intoxicated state to ensure that their next of kin is contacted to collect them to ensure they reach home safely.
- To temporarily suspend from workshop / classroom activities if it is felt there could be a Health and Safety risk. THIS IS A PRECAUTIONARY MEASURE ONLY AND DOES NOT ASSUME GUILT.

**5. SEARCHES – THIS RELATES TO LEARNERS ONLY**

On receiving information, a search may be required. It is lawful to search learners where there are reasonable grounds to suspect that a learner is in possession of items which may be illegal or pose a threat to safety or may cause disorder. Such searches are usually emptying pockets, bags and lockers by designated staff. There should be two members of staff present and at least one member of staff must be the same gender as the learner.

**6. DISCOVERY OF A SUBSTANCE**

In the first instance the matter should be reported to the Duty Manager and Learner Services for support, by the member of staff making such a discovery. The member of staff who made the discovery should record all information on the Discovery of a Substance Form (Appendix 2). This form will then be passed to the Duty Manager.

Upon discovering a substance it should be removed from the learner / staff member immediately. If the learner / staff member refuses to give up the substance the College will contact the Police for involvement. Alcohol will be removed and disposed of. Any type of drug must be passed to the Police for safe disposal.

The Duty Manager will interview the learner / staff member to clarify the situation. Once this has taken place, depending on the findings, one or more of the following may apply: -

- Is medical support required? If so contact a First Aider immediately.
- Does the learner / staff member need to be collected from College by next of kin?

- If a drug is found in the possession of the learner / staff member the College has a duty to inform the Police so that the substance can be disposed of in a safe manner.
- Inform the relevant manager

Consideration should be given to the nature and quantity of the suspected drug discovered. If the quantity is more than would be for personal use then this may indicate an intent to supply drugs within the College. In this instance the Police must be contacted and learner detained. In this instance suspension must be considered.

## **7. NEXT STEPS**

Upon returning to College the learner / staff member will report to the Curriculum Leader or line manager for a meeting. The College will initially look to provide support to the learner / staff member for drug / alcohol related issues.

For learners this may involve an internal referral to a Counsellor or Learner Support Officer. As part of this interview the involvement of external agencies for support.

For staff this may involve support from the Counsellor, or an external agency.

If it is felt that the severity of the incident could have caused harm to self or others, the learner / staff member may face disciplinary action. If the learner / staff member declines help and support the College has the right to review if it is appropriate for the learner / staff member to continue for health and safety reasons. This will be actioned under the relevant learner / staff disciplinary procedures.

**APPENDIX 1**

**MISUSE OF DRUGS ACT**

**This is the main piece of legislation covering drugs and categories drugs as Class A, B and C.**

These drugs are termed as controlled substances, and Class A drugs are those considered to be the most harmful.

**Offences under the Act include: -**

- Possession of a controlled substance unlawfully.
- Possession of a controlled substance with intent to supply it.
- Supplying or offering to supply a controlled drug (even where no charge is made for the drug).
- Allowing premises you occupy or manage to be used unlawfully for the purpose of producing or supplying controlled drugs.

**Drug trafficking (supply) attracts serious punishment including life imprisonment for Class A offences.**

To enforce this law the Police have special powers to stop, detain and search people on 'reasonable suspicion' that they are in possession of a controlled drug.

**CLASSIFICATION UNDER THE ACT**

| <b>Class</b> | <b>Drug</b>   | <b>Possession</b>                                  | <b>Supply and Production</b>                        |
|--------------|---|--|---|
| A            | Crack cocaine, cocaine, ecstasy (MDMA), heroin, LSD, magic mushrooms, methadone, methamphetamine (crystal meth)   | Up to 7 years in prison, an unlimited fine or both | Up to life in prison, an unlimited fine or both     |
| B            | Amphetamines, barbiturates, cannabis, codeine, ketamine, methylphenidate (Ritalin), synthetic cannabinoids, synthetic cathinones (eg mephedrone, methoxetamine) | Up to 5 years in prison, an unlimited fine or both | Up to 14 years in prison, an unlimited fine or both |

|                        |  |  |   |
|------------------------|--|--|---|
| C                      | Anabolic steroids, benzodiazepines (diazepam), gamma hydroxybutyrate (GHB), gamma-butyrolactone (GBL), piperazines (BZP), khat   | Up to 2 years in prison, an unlimited fine or both (except anabolic steroids - it's not an offence to possess them for personal use) | Up to 14 years in prison, an unlimited fine or both |
| Temporary class drugs* | Some methylphenidate substances (ethylphenidate, 3,4-dichloromethylphenidate (3,4-DCMP), methylnaphthidate (HDMP-28), isopropylphenidate (IPP or IPPD), 4-methylmethylphenidate, ethylnaphthidate, propylphenidate) and their simple derivatives | None, but police can take away a suspected temporary class drug  | Up to 14 years in prison, an unlimited fine or both |

\*The government can ban new drugs for 1 year under a 'temporary banning order' while they decide how the drugs should be classified.

**APPENDIX 2 - DISCOVERY OF A SUBSTANCE FORM**

|  |                           |
|--|---------------------------|
| <b>NAME OF LEARNER:</b>  |                           |
| <b>DATE OF BIRTH:</b>  | <b>LEARNER ID NUMBER:</b> |
| <b>TUTOR:</b>  |                           |
| <b>SUBSTANCE FOUND:</b>  |                           |
| <b>LOCATION OF SUBSTANCE WHEN FOUND:</b>                           |                           |
| <b>WITNESSES PRESENT:</b>  |                           |
| <b>FURTHER SUPPORTING INFORMATION:</b>                             |                           |
| <b>HAS SUBSTANCE BEEN REMOVED AND IF SO WHERE IS IT CURRENTLY?</b> |                           |
| <b>ACTION TAKEN:</b>   |                           |
| <b>DESIGNATED MANAGER REFERRED TO:</b>                             |                           |
| <b>LEARNER SERVICES INVOLVEMENT:</b>                               |                           |
| <b>NAME OF STAFF MEMBER COMPLETING FORM:</b>                       |                           |
| <b>SIGNED:</b>   |                           |
| <b>DATE:</b>   |                           |

boston:college 

