

Drug and Substance Use Incidents

Guidelines for School Staff



DRUG AND SUBSTANCE USE INCIDENTS GUIDELINES FOR SCHOOL STAFF, TEACHING AND NON-TEACHING, IN RESPONDING TO INCIDENTS OF DRUG AND SUBSTANCE USE

The following guidance supports the Curriculum for Excellence Health and Well-Being experiences and outcomes delivered in primary and secondary schools. It primarily relates to any period of time when pupils are under the supervision of the school. The prime purpose is the protection of children and young people.

The term 'management staff' refers to Senior Management Team in secondary schools and management staff in primary schools or their delegated representative.

The term 'drug use' in the context of these guidelines refers to the use of substances in the Government's 'controlled' drugs category and New Psychoactive Substances (Legal Highs) (Appendix 1).

'Substance use' for the purposes of this document includes the use of gases, inhalers, solvents, prescribed medication, alcohol and others. These guidelines will be of help in managing incidents of all types. (Appendix 1)

All school staff both teaching and non-teaching should be clear on the action to be taken in situations relating to drug/substance use. **This must involve reporting to a member of management staff.** In the absence of a member of management staff advice should be sought from Senior Child Protection Officer/Education Child Protection Officer.

All school staff should be aware of signs of possible drug/substance use (Appendix 1)

Parents/Carers

Parents and carers should be aware of the action that schools will take if a drug/substance related incident occurs. This information should be contained within the school handbook. The following is an exemplar statement which schools may wish to use:-

“In responding to drug/substance use related incidents, schools will follow education authority guidelines. In all such circumstances, parents/carers will be contacted and their cooperation expected. It should be understood that the police will be involved if drug use is suspected or discovered.”

Schools may also wish to include a link to this policy

Suspected Use by Pupil

All pupils should be made aware that their parents/carers and the Police will be contacted if drug use is suspected. Even when pupils are aged 16 or over, their parents/carers will still be contacted and the pupil notified accordingly.

Child Protection

For pupils who are considered to be at risk or vulnerable in relation to drug/substance use management staff should work within the framework of principles for child protection (Appendix 2).

Use Outwith School

If a pupil discloses information to suggest that drugs are taken outwith school, staff should report this to the Headteacher who will contact the Police and Senior Child Protection Officer/Education Child Protection Officer for guidance. If any suspected activity involving drugs within or outwith school is reported to the school, the same action should be taken.

Drugs/Substances which are found

Any suspected drug/substance, which is found or handed over, should be handled with appropriate protection (never tasted or inhaled) and placed in a bag, envelope or other receptacle immediately and labelled accordingly. Since any such substances may be used as part of Police enquiries, care should be taken to ensure limited contamination. Contact should be made with the Police as soon as possible to deal with the substance. An entry should be made in the drug incident register and signed by two members of staff (Appendix 4).

Pupil Safety

It should be made clear to pupils that if they find items such as a syringe that they should not touch them. They should let their parents, a teacher or a police officer know so that the items may be disposed of safely. Schools should contact Police who will give advice regarding disposal/removal.

Incidents involving DRUG use

When there is concern that a pupil under the supervision of the school may be using drugs, the following procedures should apply. This concern may be based on pupil behaviour or information from others.

Management staff must seek medical advice - first aid/pupil's doctor/nearest doctor. In the case of an emergency send for an ambulance.

A member of staff should keep the pupil in a safe place under constant supervision.

The pupil's parents/carers must be notified and asked to come to the school as soon as possible. They should be informed of the situation, asked for their co-operation and advised that there will be Police involvement. When it proves impossible to contact parent/carer, a member of staff should be present at all times.

The Police must be notified immediately. Wherever possible, the person making the contact with Police should be a member of management staff. Police may detain and search those involved. (See Appendix 3).

A decision is taken by management staff about the nature of any disciplinary action including exclusion.

Senior Child Protection Officer or Education Child Protection Officer should be informed as soon as possible.

In ALL instances of drug use it is expected that a Child's Assessment will be completed or updated. Where a Child Protection Inquiry is not instigated a multi-agency Child's Meeting should be convened. Request for Assistance may be required from other services as determined by the Child's Meeting.

Incidents involving Substance Use (gases, inhalers, solvents, alcohol)

Substance use is not, strictly speaking, illegal although it can lead to a charge of breach of the peace or alternative Police charges and/or be the grounds for referral to the Reporter to the Children's Panel. It is, however, extremely dangerous and can be fatal. In cases of substance use, management staff should take the following action:-

Management staff must seek medical advice - first aid/pupil's doctor/nearest doctor. In the case of an emergency send for an ambulance.

A member of staff should keep the pupil in a safe place under constant supervision.

The pupil's parents/carers should be asked to come to the school as soon as possible. They should be informed of the situation and asked for their co-operation.

The pupil should be put into either the care of the parents/carers and sent home; or the care of the medical profession, depending on medical advice.

A decision is taken by management staff about the nature of any disciplinary action, including exclusion.

In ALL instances of substance use it is expected that a Child's Assessment will be completed or updated. Where a Child Protection Inquiry is not instigated a multi-agency Child's Meeting may be considered. Request for Assistance may be required from other services as determined by the Child's Meeting.

Recording an incident

Schools should follow these systematic arrangements for recording an incident of substance use.

- Complete a record to be filled out at the time of the incident by the person investigating in school (Appendix 4).
- This information must be added to Pastoral Notes as a significant event.
- Once added to the system, any hard copy of notes should be shredded.

Accurate, factual records of all drug/substance related incidents are required. Such records may be required by other agencies such as health professionals, Police, social workers or the Reporter to the Children's Panel.

Dealing with the media

Approaches from the media should be referred to the Communications Officer, Education Services.

Drug/substance use incidents involving adults

If school staff are not confident that an adult is able to provide appropriate care and supervision of a child because they suspect that the adult is under the influence of drugs/substances then they should take action in the interests of the child's welfare.

- Try to contact an alternative carer.
- Try to persuade the adult not to leave the premises with the child until appropriate assistance arrives.
- If the adult leaves the school with the child then Police and social work should be informed.
- Seek assistance from the Police if the adult is acting threateningly or aggressively.
- Inform the Senior Child Protection Officer/Education Child Protection Officer of the incident.

Exclusion of pupils

- The health and safety of all pupils is a first priority. Following appropriate investigation a decision will be taken by management staff about the nature of any action, including exclusion. Management staff must inform the pupil of their civil rights in regards to the exclusion process.
- Schools may appear to parents/carers to be pre-judging the case by excluding a pupil. It is therefore vitally important that contact is made with parents/carers at the earliest possible time so that they and the school can come to an understanding of the issues involved and agree a strategy.
- In the case of drug use, the Police and the Senior Child Protection Officer or Education Child Protection Officer should be notified.

Confidentiality

Confidentiality is not an option when any pupil's wellbeing is at risk. In the context of drugs, pupils must understand that an interview with a member of staff may not be totally confidential and that information divulged can be passed on to others including parents and the police.

Helpful information from medical and other agencies

The following agencies are available to support schools in responding to incidents of substance misuse:

ISSU 18, Ladyfield Offices, Glencaple Road, Dumfries Tel: 01387 244327
Police Scotland, Dumfries and Galloway Division, Community Policing or Substance Misuse Coordinator Tel:101
School Nurse Service
Aberlour Futures Tel: 01387 249042

Useful Websites

<http://knowthescore.info/>

<http://www.talktofrank.com>

<http://www.alcohol-focus-scotland.org.uk/>

<https://www.drinkaware.co.uk/>

http://www.nhsdg.scot.nhs.uk/Departments_and_Services/ISSU18

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The Misuse of Drugs Act (1971) regulates what are termed controlled drugs. It divides drugs into three classes as follows:

Class A:

These include cocaine and crack (a form of cocaine), ecstasy, heroin, LSD, methadone, methamphetamine (crystal meth), magic mushrooms or any Class B drug which is injected, such as, for example, amphetamine.

Class B:

These include amphetamine (not methamphetamine which is class A), barbiturates, codeine and cannabis.

Class C:

These include anabolic steroids and minor tranquillisers, benzodiazepines (valium).

New Psychoactive Substances (NPS)

New Psychoactive Substances (Legal Highs) are substances made from assorted herbs, herbal extracts and 'research chemicals' which emulate the effects of some illegal drugs such as cannabis, LSD, Cocaine or others. These substances are not controlled by the Misuse of Drugs or Medicines Act

Some of these substances are known to contain controlled drugs; **these substances should be dealt with in the same manner as controlled drugs.**

Dealing in controlled drugs is illegal.

It is also illegal to possess and/or use controlled drugs unless prescribed for that person; and to manufacture or sell them unless a manufacturing or trading licence is held. The penalties relating to use of controlled drugs can be severe.

Recognition of Drugs/Substances

One of the issues facing schools is the recognition of substances which are classified as controlled drugs and the effects which the use of these substances may have on behaviour. It should be noted that controlled drugs come in many formats including powder, liquid, tablet or crystal.

Signs of Possible Drug/ Substance Use

The whole question of "reasonable suspicion" is a difficult one for schools as the behaviour patterns sometimes associated with adolescence can easily be mistaken for those associated with substance use.

The following information is offered only as a guide and cannot be prescriptive

1. Changes in a pupil's behaviour pattern eg slurred speech, lack of co-ordination, disorientation, lack of attention, tendency to fall asleep, sudden mood changes, lateness and absence, extreme agitation, deterioration in dress and appearance, commission of minor crimes as a source of funding.
2. Association with suspect company eg much older associates, known drug users, strangers who frequent neighbourhood of school.

3. Smell of breath and clothing. This is not always present and depends on the type of substance being used.
4. Regular mood swings

Solvents (aerosols, gases, glues etc.) are not in themselves illegal but can, in some circumstances, constitute a breach of the peace. Because of its great risk to health, solvent use should be treated very seriously and urgently. Do not run after or confront pupils who are suspected of misusing solvents. Medical help may be required and parents/carers should be involved immediately.

A range of partners including, Health Improvement, Alcohol and Drug Partnership and Police are able to support schools in planning and delivering learning in relation to drugs and substances. They can give advice to staff on matters such as common methods of supply, the local terminology, and the kind of behaviour patterns to look for in the drug/substance user and street prices. The school doctor/nurse is also a source of information.

PRINCIPLES OF CHILD PROTECTION

Dumfries and Galloway Child Protection Committee has identified a number of principles which underpin the procedural arrangements for child protection. They are based on the concepts and principles underpinning the UN Convention on the Rights of the Child and the Children (Scotland) Act 1995. Although these have been designed with physical, sexual and emotional abuse in mind, they also apply to children who have:

(a) used alcohol or any drug, whether or not a controlled drug, within the meaning of the Misuse of Drugs Act 1971

Or

(b) have used a volatile substance by deliberately inhaling its vapour for other than medical purposes. Adoption of these principles in the practice of all agencies will help to ensure that the procedural "means" are affected in a manner consistent with the child protection "end":

The fundamental principles are:

- every child should be treated as an individual.
- children have the right to express their views about any issues or decisions affecting or worrying them, which should be listened to carefully
- every effort should be made to preserve the child's family home and their contacts.
- parents should normally be responsible for the upbringing and care of their children.
- children, whoever they are and wherever they live, have the right to be protected from all forms of abuse, neglect and exploitation.
- every child has a right to a positive sense of identity.
- any intervention in the life of a child or family should be on formally stated grounds, properly justified, in close consultation with all relevant parties.
- any intervention in the life of a child, including the provision of support services, should be based on collaboration with all relevant agencies.
- the child (as far as possible) and parents/relevant persons should be involved in the process as closely as is compatible with the investigation of any alleged offences and efficient child protection.
- the essence of effective child protection is reliable communication at all levels.

Communication involves the sharing of confidential information and particular care is needed to ensure that an appropriate balance is struck between ensuring that information is shared sensibly and the right of the child and their family to confidentiality is respected. All staff must be clear that a child's wish for information not to be shared may not be in keeping with safeguarding their welfare, which must be the paramount consideration. Each agency accepts these guidelines as standing instructions as supplemented and applied by internal instructions.

INVOLVEMENT OF POLICE

Police Involvement can vary dependent on the circumstances of the incident eg they may offer advice and information including a wider background knowledge of the pupil in the community.

The Police view is that schools should not delay in contacting them:

1. If it is suspected that an illegal substance has been found on the premises, or on a person, contact should be made with the school liaison police officer or the Police Control Room, telephone number 101. Further information may be obtained from the Substance Misuse Co-ordinator (Contact made through 101).

2. School management staff should be aware of the following police procedures:

During the course of an investigation, police are entitled to ask questions of anyone. Where a pupil is a potential witness or suspect, that person must supply his/her name and address when requested to do so. Police guidelines indicate that where a pupil is to be interviewed, a parent should, if possible, be present. If it is not possible, a teacher should be present. Where a pupil is to be interviewed as a witness, they should be advised of this. Where a pupil is a suspect and is to be interviewed, he/she will be cautioned, advised of their right of silence and need not answer any questions put to them, other than to supply their name and address.

The Secretary of State after consultation with the Lord Advocate, takes the view that, irrespective of age, no pupil at school should be interviewed at school unless it is essential in the interests of justice to obtain the pupil's statement without delay. If it is found necessary to interview a pupil at school, the interview should take place in the presence of the Headteacher or a teacher deputised by him for the purpose. (Force Standing Order No28 - Children: 1.Child Offenders). Pupils should be aware of their rights in this matter but staff should make every effort to cooperate with the police.

3. It should be noted that all teachers have a responsibility for the health and wellbeing of children and young people in their charge and that dealing with the use of drugs is an essential part of this. The police are keen to ensure all school staff are aware of the seriousness of drug use and the need to deal with incidents immediately and effectively. In their investigations, the police will view drug use from a legal perspective and require to make enquiries to obtain sufficient evidence to prove any charges in relation to the alleged drug use prior to reporting same to the Children's Reporter or Procurator Fiscal as appropriate. Accordingly when Police hold intelligence suggesting drug use within a school they will look for assistance from school staff. In addition, if schools have suspicion of drug use they should contact the Police immediately.

RECORDING TEMPLATE

Description of Incident			
Interview Record			
Name	By Whom	Time	Also In Attendance
External Agencies Contacted			
Name	Remit	Contacted by	Action/Advice

Note

No pupil at school should be interviewed at school unless it is essential in the interests of justice to obtain the pupil's statement without delay. If it is found necessary to interview a pupil at school, the interview should take place in the presence of the Headteacher or a teacher deputised by him for the purpose.

The following is a basic awareness of the Misuse of Drugs Legislation

The Misuse of Drugs Act 1971

This act is intended to prevent the non-medical use of certain drugs. For this reason it controls not just medicinal drugs (which will also be in the Medicines Act) but also drugs with no current medical uses. Drugs subject to this Act are known as 'controlled' drugs. The law defines a series of offences, including unlawful supply, intent to supply, import or export (all these are collectively known as 'trafficking' offences), and unlawful production. The main difference from the Medicines Act is that the Misuse of Drugs Act also prohibits unlawful possession. To enforce this law the police have the special powers to stop, detain and search people on 'reasonable suspicion' that they are in possession of a controlled drug.

Occupiers etc of premises to be punishable for permitting certain activities to take place there.

Class A drugs are treated by the law as the most dangerous. Offences under the Misuse of Drugs Act can include:

- Possession of a controlled drug.
- Possession with intent to supply another person.
- Production, cultivation or manufacture of controlled drugs.
- Supplying another person with a controlled drug.
- Offering to supply another person with a controlled drug.
- Import or export of controlled drugs.
- Allowing premises you occupy or manage to be used for the consumption of certain controlled drugs (smoking of cannabis or opium but not use of other controlled drugs) or supply or production of any controlled drug.

The Medicines Act 1968

It is also illegal to possess and/or use controlled drugs unless prescribed for that person; and to manufacture or sell them unless a manufacturing or trading licence is held. The penalties relating to misuse of controlled drugs can be severe.

This law governs the manufacture and supply of medicine. It divides medical drugs into three categories.

1. Prescription only medicines are the most restricted. They can only be sold or supplied by a pharmacist if supplied by a doctor.
2. Pharmacy medicines can be sold without a prescription but only by a pharmacist.
3. General Sales List medicines can be sold by any shop, not just a pharmacy. However, even here advertising, labelling and production restrictions apply.

EXTRACT FROM THE MISUSE OF DRUGS ACT 1971

A person commits an offence if, being the occupier or concerned in the management of any premises, he knowingly permits or suffers any of the following activities to take place on those premises, that is to say-

(a) producing or attempting to produce a controlled drug in contravention of section 4 (1) of this Act;

- (b) supplying or attempting to supply a controlled drug to another in contravention of section 4 (1) of this act, or offering to supply a controlled drug to another in contravention of section 4 (1);*
- (c) preparing opium for smoking;*
- (d) smoking cannabis, cannabis resin or prepared opium.*

Powers to search and obtain evidence.

A constable or other person authorised in that behalf by a general or special order of the Secretary of State (or in Northern Ireland either of the Secretary of State or the ministry of Home Affairs for Northern Ireland) shall, for the purposes of the execution of this Act, have power to enter the premises of a person carrying on business as a producer or supplier of any controlled drugs and to demand the production of, and to inspect, any books or documents relating to dealings in any such drugs and to inspect any stocks of any such drugs.

(2) If a constable has reasonable grounds to suspect that any person is in possession of a controlled drug in contravention of this Act or of any regulations made there under, the constable may-

- (a) search that person, and detain him for the purpose of searching him;*
- (b) search any vehicle or vessel in which the constable suspects that the drug may be found, and for that purpose requires the person in control of the vehicle or vessel to stop it;*
- (c) seize and detain, for the purposes of proceedings under this Act, found in the course of the search which appears to the constable to be evidence of an offence under this Act.*