

Children with drugs in school

Possessing and dealing 'controlled' drugs – drugs that are forbidden under the Misuse of Drugs Act 1971 – is a criminal offence.

School policy

All schools should have a drugs policy establishing the ways the school will deal with drugs on school property. It should be developed in consultation with the whole school community including pupils, parents/carers, staff, governors and partner agencies. A senior member of staff should have responsibility for the drug policy and all drug issues within the school. The policy should:

- outline the purpose of the policy;
- state where, when and to whom the policy applies;
- define the term 'drugs' and clarify the meanings of other key terms;
- state the school's stance towards drugs, health and the needs of pupils;
- name the members of staff responsible for dealing with drug issues;
- outline when police will be informed, consulted or involved in a drugs related incident, and what action is expected if police involvement is requested.

A school's response to drug-related incidents needs to balance the needs of the pupils concerned with the wider school community. Exclusion should not be the automatic response to a drug incident and permanent exclusion should only be used in serious cases.

Students under the influence of drugs

If a pupil is suspected of being under the influence of drugs on school premises, the pupil's safety and that of other people around them should be the school's first priority. First Aid should be administered if needed and any appropriate support summoned. Parents, an ambulance, or the police may need to be contacted. If the child is felt to be at risk the Safeguarding Policy will come into effect and social services may need to be contacted.

Ascertaining at risk students

Symptoms signifying drug association could include: mood swings; bodily changes such as weight loss, garbled speech and panic; and/or an imperative need of finances. A student may be at risk if a combination of the following issues is present:

- lack of allegiance to school;
- acquaintances who use drugs;
- aggressive classroom conduct;
- inadequate communal skills;

- an approving outlook towards drug use.

Search and seizure powers

School staff can search a pupil for any item if the pupil agrees. ***Headteachers and staff authorised by them have a statutory power under the Education and Inspections Act 2006 to search pupils or their possessions, without consent, where they have reasonable grounds for suspecting the pupil may have a 'prohibited item', which includes illegal drugs.*** School staff can seize any prohibited item found as a result of a search. They can also seize any item, however found, which they consider harmful or detrimental to school discipline (eg, so called legal highs).

Where controlled drugs are found, these must be delivered to the police as soon as possible, but may be disposed of if the person thinks there is a good reason to do so. In deciding what is a 'good reason', the staff member should take into account all the circumstances and use their professional judgment to determine whether they can safely dispose of a seized article. Where staff are unsure as to the legal status of a substance and have reason to believe it may be a controlled drug they should treat it as such.

In taking temporary possession and disposing of suspected controlled drugs, schools should:

- ensure a second adult witness is present;
- seal the sample in a plastic bag and include details of the date and time of the seizure/find and witness present;
- store it in a secure location;
- notify the police immediately, who will collect it and then store or dispose of it. The law does not require a school to divulge to the police the name of the pupil from whom the drugs were taken but it is advisable to do so;
- record full details of the incident, including the police incident reference number;
- inform parents/carers, unless this is not in the best interests of the pupil;
- identify any safeguarding concerns and develop a support and disciplinary response.

Categories of controlled drugs

All drugs are put into one of three categories according to how hazardous they are.

Class A drugs are most dangerous. These drugs include cocaine, ecstasy and heroin.

Class B drugs are less dangerous, but they can still damage if misused. Class B drugs include, cannabis, speed and some amphetamines.

Class C drugs are less dangerous than Class A and Class B. They are still branded as prohibited and can be harmful. Class C drugs include ketamine and some tranquilisers.

Possible sentences

If caught in possession of a controlled drug you have committed a criminal offence. Apart from seizing the drugs, the police can arrest you. You can be charged with possession even if the drugs aren't yours.

If you're under 18, the police are allowed to tell your parent, guardian or carer that you've been caught with drugs.

The sentence you will receive will depend on: the class and quantity of drug discovered; where you and the drugs were found; your personal history (including previous crimes and drug offences); and other aggravating or mitigating factors.

The maximum sentence for those over 18 for possession of a Class A drug is up to seven years in prison and/or an undefined fine; up to five years in prison and/or an undefined fine for Class B drugs; and up to two years in prison and/or an undefined fine for a Class C drug. Police can issue a warning or an on-the-spot fine of £90 if found with cannabis and a warning or an on-the-spot fine of £60 if you're found with Khat. These sentences can increase a lot if you're discovered to be dealing in drugs or sourcing them – even if it is just to acquaintances with no money involved.

If you are between ten and 17 years old, you'll normally be given a Youth Caution. This isn't a criminal conviction but will stay on your record. If you commit further offences, you could be charged and dealt with by a Youth Court. Depending on the seriousness of the offence, you might get an absolute or conditional discharge. This doesn't involve any punishment, but will give you a criminal record and if you re-offend the penalty will be more serious. For more serious offences, you may receive a referral order, which involves regular meetings with a youth offending team and helping out in the community. If your drug offence is really serious, you may be sentenced to a Youth Offender's Institution.