

## Learner Substance Misuse Policy

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*\* Policies will be reviewed more frequently if legal changes or good practice require*

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### Related policies/documents:

Equal Opportunities Policy;  
 Equal Opportunities Summary for Students;  
 Student Handbook;  
 Student Charter;  
 Safeguarding Children and Adults at Risk Policy; and  
 Student Behaviour Policy.

## **1. Introduction**

North Kent College, which includes Hadlow College and all campuses (“the College”) recognises that some learners may use both legal and illegal drugs for recreational purposes, and it needs to educate and inform individuals about the risks and consequences of substance use and misuse.

The purpose of this policy is to safeguard people using College campuses from the misuse of substances and, in so doing, ensure that the College is consistent in the approach and methods used to tackle incidents of substance misuse.

## **2. Policy Statement**

Possession, misuse, or supply of drugs, alcohol and/or any other substance such as nitrous oxide, will not be tolerated on College premises. Learners must not come on to College premises or participate in College arranged trips under the influence of alcohol or drugs. Any College learner in breach of these regulations will be subject to the appropriate disciplinary action (refer to The Behaviour Policy).

Where alcohol is served at College events, it is done so in compliance with the Licensing Act 1964.

This Policy is applicable to all staff, learners, visitors and contracted workers.

## **3. Definition of Substance**

The term ‘substance’ refers to all controlled substances as set out in the Misuse of Drugs Act 1971 (**Amendment**) **Order 2012** and subsequent revisions, classes A, B & C.

For the purpose of this policy, ‘substances’ also incorporates solvents, nitrates and alcohol. It does not cover nicotine. It does not refer to substances prescribed to and being used by an individual to whom the prescription is valid.

It must be borne in mind that there are many new recreational drugs, particularly synthetic and manufactured substances that are not, as yet, illegal of themselves. The intention is to identify clearly that any substance abuse resulting in incapacity and impairment of faculties while attending College is not acceptable.

## **4. Key Principles**

This policy and procedure should be carried out in accordance with the College policy on Equal Opportunities.

- 4.1. Learner welfare must remain paramount at all times. If a member of staff has concern for a learner’s welfare relating to misuse of substances, he/she should contact the Safeguarding Team for support. Learners may also be referred to the Safeguarding Team to discuss appropriate support/counselling if necessary.

- 4.2. The College believes that the misuse of substances is detrimental to the health and well-being of an individual and that the use of substances on College premises has serious health and safety implications.
- 4.3. The College is committed to reducing any harm that can be caused by substance misuse.
- 4.4. Learner confidentiality will be respected as set out by the British Association of Psychotherapy and Counselling. This states that when discussing personal issues with a learner, the learner must be informed of:
  - 4.4.1. the degree of confidentiality that they can expect;
  - 4.4.2. the subsequent steps that will be taken; and
  - 4.4.3. the reasoning behind them.
- 4.5. Confidentiality should only be broken if there is a serious and immediate risk to the learner or others and if by involving a third party, that risk will be reduced. A third party might include:
  - 4.5.1. the learner's Tutor;
  - 4.5.2. the Safeguarding Team,
  - 4.5.3. the learner's parents or other family member (if under 18 or considered vulnerable);
  - 4.5.4. Senior Leader/Head of Curriculum;
  - 4.5.5. security staff; and/or
  - 4.5.6. Emergency Services.

Confidentiality can be protected during discussion with a third party by asking for advice without revealing identity.
- 4.6. All staff and learners should have access to information, education and/or training on drugs related issues.

## **5. Responsibility**

- 5.1. While College staff are not legally responsible for everything that happens on their premises, in order to meet obligations under the Safeguarding Children and Adults at Risk Policy, they must be able to demonstrate that they have taken all reasonable steps to prevent drugs being used or supplied on the premises and in the event of becoming aware that this is happening to prevent as far as is reasonable, such action from continuing.
- 5.2. College staff must be mindful of any health and safety issues that suspected drug taking may have on both the learner(s) using or in possession of drugs

or on other learners and staff as a result. If in any doubt advice should be sought from the Safeguarding Team, Risk Manager or member of the Senior Leadership Team depending on the issues at hand.

- 5.3. To support learners and staff in the implementation of the policy, all reasonable steps will be taken including:
  - 5.3.1. informing learners about the College stance on drugs during induction, on the College Expectation posters around the College campuses and through the curriculum tutors;
  - 5.3.2. clearly inform through various channels that drug use is illegal and forbidden on and within the vicinity of the College premises or while engaged in a course/enrichment related activity off the premises;
  - 5.3.3. improving surveillance within the college and monitoring the identity of staff, learners and legitimate visitors; and
  - 5.3.4. co-operating with the Police where necessary.
- 5.4. Confidentiality will be maintained by the College, unless this is unavoidable in order to fulfil our responsibilities in relation to:
  - 5.4.1. safeguarding of vulnerable adults;
  - 5.4.2. co-operation with a Police investigation; and
  - 5.4.3. referral to external services or support frameworks.

## **6. Process for Dealing with an Incident**

The Misuse of Drugs Act 1971 (Amendment) Order 2022) recommends that if staff find an illegal drug on College premises, there are two options:

- 1 to phone the police and hand drugs over to them; or
- 2 to dispose of them without informing the police (with a witness and as soon as possible).

In the event that a member of staff observes learner/s using or supplying drugs on College premises, they should follow the action as indicated in this Policy.

### **(See also Appendix 2 – Guidance Notes on Assessing Drug Incidents)**

- 6.1. The law requires that staff should make every effort to remove drugs from the College premises. However, this does not apply to removing a learner who may be under the influence of drugs.
- 6.2. Staff should exercise discretion over any action taken and seek advice if needed.

- 6.3. Staff can choose to either approach the learner(s) concerned themselves or with another member of staff at hand. At all times personal safety is paramount. Do not place yourself at risk.
- 6.4. If the person using or supplying drugs appears to be a visitor, then a member of Security staff and an available Senior Leader should be contacted. They will invite the person to leave the College premises, escort them from the premises or call for further assistance. The staff member present will inform the Police.
- 6.5. After approaching the learner(s), an immediate attempt should be made to contact the learner's Tutor and/or Head of Curriculum and to inform a member of Senior Leadership. A member of the Safeguarding Team should also be informed.
- 6.6. The learner's welfare should remain paramount. If a learner is excessively intoxicated by drugs or suspected to be under the influence of drugs/alcohol, a First Aider should be called. Staff should not try to discuss the incident with a learner who is excessively intoxicated other than to try to establish what the learner has taken and how much has been taken.
- 6.7. If a learner is suspected to be in the possession of drugs then a search can be conducted by members of the College Security Team or staff in the presence of a Senior Leader where possible. No search should be conducted without at least two members of staff present in the room. A search involves the learner turning out their bag(s) and the pockets of their clothing and removing their shoes. Searches must be carried out with tact and sensitivity and will take into account cultural sensitivities. If a learner refuses to co-operate with a request to search them, the Senior Leader may decide to suspend the student prior to a meeting with the learner and their parent/carer.
- 6.8. All drugs are disinhibitors and, whilst under the influence, judgement can be impaired. Injuries and fatalities from accidents whilst under the influence can occur. For a novice drug user, the first drug experience can be frightening, depending on what they have taken, their environment and their physical and mental state.
- 6.9. The learner should not be asked to leave the premises or be sent home as this may place them at risk. Staff should liaise with a Senior Leader who will decide the most appropriate course of action. Advice should be sought from a First Aider as to what medical attention may be needed. If a learner appears to be under the influence of drugs and/or alcohol and is not well enough to remain in College then arrangements should be made for them to be collected or transported home safely by a parent/carer or responsible adult.
- 6.10. Staff should record the incident as soon as possible on the safeguarding database, MyConcern.
- 6.11. The Senior Leader will assess the incident by interviewing the learner/s concerned at an appropriate time. The learner may then be subject to the College disciplinary procedures as detailed in The Behaviour Policy.

- 6.12. In all cases, the learner's behaviour will be monitored following the incident. The learner will make an agreement to attend an interview with one of the Safeguarding Team or vocational staff to discuss appropriate support and counselling if needed.
- 6.13. Where learners are under the age of eighteen, staff must assess the possible wider implications of informing parents/carers. Any decision to contact parents/carers should be agreed by the learner's Assistant Principal or member of the Safeguarding Team. Consideration should be given as to the most appropriate manner of communicating with parents/carers of College learners and to the likely support parents/carers may need. The Safeguarding Team can provide information and recommendations of various external drug support services.

**See Appendix 3 - Guidance Notes on Informing Parents/Carers**

## **7. Procedure for Confiscation and Disposal of Drugs**

It is not illegal to possess injecting equipment. However, because of the health risk, possibly from the HIV/Hepatitis, used injecting equipment should be handled carefully. Protective gloves are available through Facilities/Security or Reception and sharp boxes are located in the first aid rooms.

If any member of staff is given, finds or confiscates drugs or injecting equipment, the following procedures should be followed:

- 7.1. If the substance is not a controlled substance under the Misuse of Drugs Act 1971, the substance should be disposed of in the presence of another member of staff and the relevant information should be recorded on an Incident Form.
- 7.2. Where the substance cannot be identified or is suspected of being one of the controlled groups, action should be taken to immediately dispose of the drug in order to avoid prosecution for possession or any suggestion that it is being kept for personal use by staff. Such substances should be disposed of in the presence of another member of staff and recorded on an Incident Form.
- 7.3. A member of Senior Leadership dealing with a substance misuse incident may wish to pass the substance to the authorities for identification if deemed necessary.

## **Appendix 1 - Guidance Notes: Appropriate Sanctions**

Possession/use or supply of illegal drugs/substances cannot be tolerated on College premises, however discretion is needed.

Permanent exclusions can result in learners becoming labelled, can seriously affect career opportunities and reinforce deviant behaviour. Exclusions should be regarded as a last resort – when all other options have been exhausted or at least considered and severe anti-social behaviour still persists.

Treating learners with serious social and emotional problems who have become involved in substance misuse as automatic disciplinary cases can worsen their situation, drive them away from support and markedly worsen their position. Excessively punitive and apparently uncaring actions can stifle the dialogue between staff and learners as a whole. Other learners are less likely to approach staff if they have problems with drug use.

In the case of supply – there is no supply without demand. Many young people ask their friends and acquaintances to get drugs/substances for them. There are also cases where learners have been bullied or threatened to bring drugs/substances into College for other people. Any response should be considered and proportional. However, once considered, it is likely that a student who has supplied drugs/substances to others will at least be on a Level 3 Final Written Warning or even Withdrawn from College depending on their previous behaviour history to date of the incident.

## **Appendix 2 - Guidance Notes: Assessing Drug/Substance Incidents**

It is very important to carefully assess a drug/substance incident before acting. To do this the following questions can be addressed:

1. What information is there about the incident and who has provided it?
2. How accurate and reliable is the information? (Is it fact or rumour?)
3. Who is involved and in what capacity?
4. Are there suspicious signs e.g. learner having more than one phone, learner constantly on the phone, learner in College but missing lessons.
5. Which drugs/substances are involved?
6. How serious is the incident and why?
7. If the incident involves actual drug use or supply by a learner(s):
  - 7.1. Which drug(s)/substance(s) is being used or supplied?
  - 7.2. How much, how often?
  - 7.3. For how long has it been going on?
  - 7.4. How do they take/supply the drug/substance? Where? With whom?
  - 7.5. What risks are involved and for whom?
  - 7.6. Are parents/carers aware of what has been happening and how might they feel about it? How relevant is this?
  - 7.7. What other difficulties, if any, does the learner(s) have?
  - 7.8. Is there any evidence of bullying/intimidation?
  - 7.9. What help might the learner(s) need and how could this be provided?



### **Appendix 3 - Guidance Notes: Informing Parents/Carers**

There is no general legal duty for College staff to inform parents/carers if they know that their children are using drugs/substances.

It is important that colleges respect learner confidentiality but, in certain cases, staff may feel that parents/carers should be informed. This may include the rare situations where learners are being permanently excluded or are experiencing serious, drug related problems. This will be a managerial decision and take into account 'Duty of Care' and the College Disciplinary Policy where necessary. Before any action is taken to contact parents/carers, the member of the Safeguarding Team should be consulted.

Where parents/carers are informed, it is important to involve the learner concerned in the decision-making process. It may be possible to encourage them to talk to their parents/carers and provide them with support to do so.

Some parents/carers may be very alarmed to hear that their children are involved with drugs. If parents/carers have to be informed, this should be done in a way that is not likely to increase anxiety and cause even more problems for the learner or their family.

Parents/carers may also have different views about drugs/substances and may not support the College response. Whilst some may be very alarmed at drug use, others may not be and may even be current or past users themselves.

If staff should meet with parents/carers, they should listen carefully to their concerns and, if necessary, provide them with information about drugs or refer them to the Safeguarding Team for information.