

Askham Bryan College

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Policy & Procedure relating to drugs, alcohol & other intoxicating substances for students

SCA

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1. Introduction to Policy

The Corporation of Askham Bryan College recognises that it has a responsibility to uphold the law and to safeguard the welfare of all its customers in respect of drugs, alcohol, intoxicating or impairing substances and is committed to providing a safe, healthy and supportive learning environment for students, residents and staff.

This policy has been developed with the involvement of internal staff and external advisors. It draws on the guidance from the current Government Drug Strategy 2010: Reducing Demand, Restricting Supply, Building Recovery and the ACPO drug advice for schools (issued September 2012). It also gives due regard to Keeping Children Safe in Education, September 2016, the Misuse of Drugs Act 1971 and the Psychoactive Substances Act, Jan 2016

The policy applies to all illegal and legal substances, drugs, alcohol or any substance that is misused as detailed below:

Drugs: Any illegal substance or any legal substance that can be misused
Substance: That may carry warning against consumption, inhalation or ingestion
Illegal: Any drug or substance included within the Misuse of Drugs Act 1971
Misuse: Using a substance for any reason other than its intended use
Alcohol: Any intoxicating liquid that has age restrictions attached.
Intoxicating: Liable to cause someone to lose control of their faculties or behaviour
Impairing: Weaken or damage something, especially faculty or function

1.1 Policy statement

We live in a society where drugs, alcohol, intoxicating and impairing substances are part of our lives. However it is the policy of the Corporation that the misuse, possession, supply, production or abuse of illegal or other intoxicating and imparting substances will not be tolerated. Where the abuse of drugs, alcohol, intoxicating or impairing substances is suspected, but where no criminal offence is committed the incident will be dealt with in accordance with the College's Behaviour Management and Disciplinary Policy for students (SCA 2).

1.2 Policy Aims

The aims of this policy are to:

- Provide clarity on substance abuse and misuse;

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- Provide clear guidelines for staff on the abuse or misuse of drugs and alcohol;
- To prevent and deter students using, abusing and misusing drugs, alcohol, intoxicating and impairing substances;
- Provide suitable support for students with drug or alcohol issues;
- Enable staff to raise concerns associated to drug or alcohol use; and
- Make clear the procedure in place for dealing with drug, alcohol, intoxicating or impairing substances.

1.3 Responsibility

In matters concerned with the use of illegal, intoxicating or impairing substances it will be the responsibility of the Executive Director for Higher Education and Students to ensure the College complies with the requirements of this policy. In all practical matters the Director of Student Services, in conjunction with the Student Services Managers and Directors of Newton Rigg and the Regional Centres, will supervise any College response to incidents.

1.4 Review and monitoring

Responsibility for reviewing and monitoring these procedures will lie with the Director of Student Services. An annual review of incidents resulting in disciplinary action will be undertaken.

2 Notes and guidance for the implementation of the policy

In the interest of the health, safety and welfare of all students the College will not tolerate the misuse of drugs, alcohol, intoxicating and impairing substances in any part of the College. Incapacity as a result of being intoxicated by reason of drugs, alcohol or possession of illegal, intoxicating or impairing substances can be defined as an example of misconduct under the Behaviour Management and Disciplinary Procedure (SCA2) and will be dealt with accordingly.

2.1 Residential students

Residential students are subject to additional residential rules and the terms and conditions of the license agreement signed on occupation of their room. These regulations permit students over eighteen to consume and store 'small' amounts of alcohol as stipulated in the Residential Rules in their own room only. Breach of the residential rules will be dealt with in accordance with the College's student disciplinary procedure (SCA 2) and may result in the withdrawal of a residential place.

2.2 Drugs

The College does not condone the use, misuse or abuse of any drug at any time.

2.2.1 Supply / production

If a member of staff observes, or suspects anyone of supplying or producing intoxicating substances they should immediately notify the Director of Student Services at York or their Centre Manager / Director of Newton Rigg, who will inform the Executive Director of Higher Education and Students. The Director of Student Services or Centre Manager / Director of Newton Rigg will act immediately to inform the Police and to pass on any information which s/he feels to be relevant. The procedure above should then be followed, with the exception that any investigation will be carried out by the Police.

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2.2.2 Use

In the event that a student is found to have used drugs, there is sufficient evidence to assume drug taking has taken place, or suspicion points to the likelihood that drugs have been consumed, then the procedure detailed in Section 3 may followed.

If a drug user appears to be a “visitor”, then the member of staff will escort the person from the premises, requesting assistance from security staff where necessary.

2.2.3 Evidence of actual or possible drug use can include (not exhaustive):

- Staff witnesses the illegitimate sale or supply of drugs is taking place in or outside the College;
- Drugs or associated paraphernalia are found on College premises;
- Being found in possession of drugs and/or associated paraphernalia;
- Display of symptoms that could indicate the influence of drugs;
- Pungent aromas and smells; or
- Student discloses that they or a family member/friend are misusing drugs.

2.3 Alcohol

It is the responsibility of all staff, at any time, to take all reasonable steps to prevent the use of alcohol, which is contrary to College regulations.

2.3.1 Under 18

The College does not condone the use of alcohol by any student under the age of 18 at any time. It is illegal for a person under 18 to purchase alcohol. In the event that a student under the age of 18 has been found to or suspected to have consumed alcohol the procedure detailed in Section 3 must followed.

2.3.2 Over 18

To adhere to Health & Safety procedures the College does not condone the consumption of alcohol by any student during College hours regardless of age; this also includes coming into College under the influence of alcohol from the night before or the morning prior to arriving. If an over 18 student has been found to, or suspected to, have consumed alcohol that renders them under the influence in College hours, the procedure detailed in Section 3 may be followed.

If a student over 18 has purchased alcohol for an underage student then this will be addressed in accordance with the College’s Behaviour Management and Disciplinary Policy for Students (SCA 2)

2.3.3 Residential Over 18

Any residential student over the age of 18 who resides on site is allowed to have, and consume a maximum of 4 units of alcohol outside of College teaching hours. Any over 18 students who is deemed to be intoxicated will be dealt with in line with the procedure detailed in Section 3.

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2.2.4 Evidence of actual or possible alcohol use can include (not exhaustive):

- Bloodshot, glassy, or watery eyes;
- Thick, slurred or loud speech;
- Aggressive, belligerent or obnoxious;
- Swaying, staggering or stumbling; or
- Distinctive aromas and smells.

2.4 Smoking

It is illegal to purchase cigarettes for students who are under the age of 18. In the event that a student has been found to have purchase cigarettes for any student under 18 years old, staff should refer to the Student Code of Conduct and the College's Behaviour Management and Disciplinary Policy for Students (SCA 2)

3 Procedure

3.1 Safety and First Aid

Any person involved in dealing with an incident involving drugs, alcohol, intoxicating or impairing substances must consider their own safety before taking any action. Appropriate help must be summoned promptly. A quick assessment needs to be made as to whether the student requires first aid or medical attention linked to their use or intoxication. No attempt should be made to hold a discussion with a person under the influence other than to try and find out what they have taken in case there is a need to administer first aid.

If the person involved is a student and is under 18 his / her parents / guardians will be informed (SCA19).

3.2 Incident Management

The Student Services Manager, or nominated person, will investigate and consider each situation individually to determine if further action such as a search, interview, or screening test is required. He/she will consider whether the Police should be contacted immediately.

The identification of substances should be carried out at an early stage in any investigation. The police will assist in the identification of substances if required.

3.3 Consent

Askham Bryan College may undertake drug and alcohol testing of students where they have reasonable suspicion that a student is under the influence but the student is denying that that is the case.

If a student refuses to consent to a search or a screening test, that student will be supervised by staff until such time they can be removed from College premises if that is felt necessary for their own health and safety. Refusal to cooperate with a request for searches or drug and alcohol screening where College staff have reasonable suspicions may in itself result in disciplinary action.

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3.4 Searching and Confiscation

3.4.1 Members of the Management Team, or any appointed member of staff are authorised to conduct a search of students clothing, bags, property or room (if a residential student) should they have reasonable suspicions illegal, intoxicating or impairing substances are being carried, concealed or stored. Two members of staff must be present during any search. The student must be present during room searches. This does not authorise routine room searches of a speculative nature.

Staff are specifically authorised to remove and confiscate any substances in a student's possession if they have reasonable grounds to believe that it may be alcohol, drugs or an intoxicating or impairing substance.

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

- Any known alcohol, drug or suspect substance should be passed to the Student Services Manager or designated member of staff at the earliest opportunity, who will arrange disposal of the substance. The Student Services Manager will keep records of any substances handed over. This evidence will be given to the Police where they are involved.
- A duplicate receipt will be written by the member of staff confiscating the alcohol, drug or substance. One copy will be issued to the student. The second copy will be retained in the Student Services Manager's office. The receipt will include details of the substance confiscated.
- Where the substance cannot be identified or is suspected of being one of the controlled group, action should be taken quickly to avoid the risk of prosecution for possession or any suggestion that it is being kept for personal use by staff. Such substances should be handed to the Student Services Manager or designated member of staff.
- It is not illegal to possess injecting equipment. However, because of the risk to health, injecting equipment should be disposed of carefully. Specific details of Health and Safety arrangements will be agreed with the College's Health and Safety Advisor.

3.4.2 In the event that there is evidence or suspicion of illicit drugs on College premises (including the residences), the Student Services Manager may decide the assistance of specialist sniffer dogs are required in order to trace illegal substances. Dogs for search purposes are provided by either the Police or an external organisation. If the latter, a staff member must be present throughout the search.

3.5 Possession

Any member of staff who discovers evidence of the possession, or use, of illegal drugs or other intoxicating or impairing substances should immediately inform the Director of Student Services at York / Director of Newton Rigg or Centre Managers at the College Centres.

Incidents will normally be dealt with by the Director of Student Services in conjunction

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with the Student Services Manager at York and Newton Rigg or the Centre Manager at the College Centres.

3.6 Drug & Alcohol Testing

Askham Bryan College may use testing equipment if staff have a reasonable suspicion that a student is under the influence of illegal drugs or other intoxicating or impairing substances, particularly where the student denies that that is the case. College staff will utilise approved Drug Screening Tests and Breathalysers in line with their Health and Safety responsibilities to detect substances that may affect a student's health safety and wellbeing whilst on College grounds and participating in college and educational activities.

3.6.1 Testing for Drugs

Saliva tests / wipes are a quick and painless way to identify the presence of drugs in the system and to indicate if a student is under the influence. Testing is undertaken to deter drug use and to ensure students health, safety and wellbeing.

All screening and testing will be performed in a confidential and discreet manner to respect students confidentiality. Drug testing will be by way of on-site DrugWipe screen on the skin and /or in saliva performed by a trained screener. If a positive is seen on the screen, the student is notified of the positive result and the next steps explained.

Failure to comply with a reasonable request where there are reasonable grounds for suspicion participate in, provide a sample or attempts to falsify the results of a screen will be seen by the college as misconduct and as such the disciplinary process may be used.

Drug tests are always undertaken in the presence of two members of staff and in accordance with the devices testing instructions and guidance. The reading is formally recorded and the student is to sign to confirm the reading is true and correct.

If a student disputes a positive result a second test can be undertaken on request at a cost to the student. Alternatively they can request a drugs test from their GP or other approved agency/organisation within an agreed space of time.

3.6.2 Testing for Alcohol

A breathalyser is a quick and easy way to determine a student's blood alcohol content to identify use and potential abuse. Testing is undertaken to deter alcohol use and to ensure students health, safety and wellbeing.

All screening and testing will be performed in a confidential and discreet manner to respect students confidentiality. Alcohol testing will be via a calibrated breathalyser and conducted by a trained member of staff. If a positive is seen on the screen, the student is notified of the positive result and the next steps explained.

A second breathalyser reading will be taken as standard after a 20 minute interval.

Failure to participate in, provide a sample or attempts to falsify the results of a breathalyser will be seen by the college as misconduct and as such the disciplinary process may be used.

Breathalyser testing is always undertaken in the presence of two members of staff and in

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accordance with the devices testing instructions and guidance. The reading is formally recorded and the student is to sign to confirm the reading is true and correct.

3.7 Communicating with Parent/Carers/Guardians

Whilst the College recognises the concern and interest parents have in the young person, staff will always place the best interests of the young person first.

Staff will encourage students to tell their parents/guardians about any incidents involving a breach of this policy. However, College policy is always to inform parents of students under 18 about disciplinary offences, including incidents involving alcohol, drugs, intoxicating or impairing substances and any such incident will be reported (SCA 19 Procedure for Parental Involvement).

3.8 Working with the Police

The College will always respond by informing the police at an early stage in cases where there is evidence that any person on the premises is supplying or producing drugs or alcohol.

If possible Police should be offered the use of a private interview room. Any person involved in an incident and required for interview may then be brought to the room. The Police must not interview a student under 17 years or a vulnerable adult without a 'responsible person' such as the Student Services Manager or Duty Warden present to represent the student.

In all cases the Executive Director for Higher Education and Students must be informed by the member of staff if a decision to arrest appears to be imminent.

3.9 Removal and disposal of drugs and alcohol

The law (Section 91 of the Education and Inspections Act 2006) permits College staff to confiscate, retain or dispose of a student's property as a disciplinary penalty, where reasonable to do so.

3.9.1 Any alcohol confiscated will be recorded and disposed.

3.9.2 In taking 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, the following procedure is to be followed:

- A second adult witness should be present throughout;
- The sample should be sealed in a plastic bag with the details of the date and time of the seizure/ find and the witness present;
- The sample should then be stored in a secure, locked location with limited access – such as the office of a senior member of staff;
- The Police may be notified without delay; they will collect it where appropriate and then store or dispose of it in line with locally agreed protocols (Note: the law does not require Askham Bryan College to divulge the name of the student 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 student; and
- Identify any safeguarding concerns and develop a support and disciplinary response.

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3.10 Recording

A full written record should be kept of any drug incident including notes of any discussions with students. Notes should include the time, date, place and people present, as well as what was said and any action subsequently taken.

Any incident involving a student will be reported to the relevant Section Leader via ProMonitor.

3.11 Possible Outcomes

In deciding a suitable punishment, account will be taken of the amount of alcohol or the type of drug involved, and the degree of involvement and coercion of or by other students.

All incidents where Drugs, Alcohol, intoxicating and impairing substances are involved will result in disciplinary action in accordance with the Behaviour Management and Disciplinary Policy (SCA2), with advice being sought from the Police as and when appropriate.

In any incident involving an alleged criminal offence internal disciplinary action will be suspended until any Police investigation and prosecution have been concluded.

If it appears that the drug or alcohol abuse is other than isolated and involves parties outside the college, the Executive Director for Higher Education and Students may decide to involve the local Police Force. However, there is no legal obligation for Askham Bryan College to report an incident involving drugs and alcohol to the Police.

It is our policy that where appropriate the College will offer students with a second chance as long as they engage with appropriate drug and alcohol agency; however any repeat offence will result in immediate suspension pending a disciplinary hearing, as defined by the student disciplinary procedure (SCA2).

4 Education & Support

4.1 The Corporation accepts that it has a responsibility to raise the awareness to its students, parents, guardians and staff of the consequences of the abuse of alcohol and of the misuse of illegal or intoxicating substances.

It will implement this responsibility in any, or all, of the following ways:

- Provide advice verbally or in written form to all new full time students to the College;
- Make available literature for parents/guardians and students in a central area and ensure that any such information is current;
- Take every opportunity to raise the awareness of students to the consequences of the abuse of alcohol, illegal or intoxicating substances;
- Raise staff awareness of the consequences of the abuse of alcohol, illegal, intoxicating or impairing substances on young people and society; and
- Ensure that students have access to support services with an expertise in drug, alcohol and substance misuse.

4.2 The Corporation acknowledges the importance of its pastoral role in the welfare of young people, and through the general ethos of the College, will seek to encourage

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students to make informed decisions in order to promote a healthy lifestyle. For this reason, education on drugs, alcohol, intoxicating and impairing substances will be provided through the tutorial programme. This aims to:

- Enable students to make healthy, informed choices by increasing knowledge, challenging attitudes and developing and practising skills;
- Provide accurate and up to date information about substances;
- Increase understanding about the implications and possible consequences of use and misuse;
- Encourage an understanding for those experiencing or likely to experience substance use;
- Widen understanding about related health and social issues, e.g. sex and sexuality, crime, HIV and AIDS; and
- Enable young people to identify sources of appropriate personal support.

4.3 The College Counselling Service has an important role to play in helping students who are motivated to reduce their use of alcohol or stop using drugs. The service will offer counselling sessions with trained counsellors for students. The College recognises that in some cases a student may not wish to use the College counselling service, or specialist counselling may be more appropriate. Therefore Student Services will keep a record of alternative services available to students outside the College.

5 Related Documents

SCA2 Behaviour Management and Disciplinary Policy
SCA19 Parental Involvement
Health & Safety Policy

6 Review and Monitoring

This policy will be reviewed and monitored by the Director of Student Services bi-annually or as required.