

SMOKING, ALCOHOL, DRUGS & SUBSTANCES POLICY

1 Introduction

- 1.1 Scope: This policy has been authorised by the College Council and is available to parents and pupils. The policy relates to possession and consumption of alcohol and tobacco and the misuse of drugs and other substances and applies to all pupils at Malvern College (College) irrespective of their age. The policy may also apply at times when a pupil is not in the care of the College. The procedures and sanctions may be adapted as appropriate to meet the policy aims and the circumstances of each case. Certain of the procedures can only be carried out during term time.
- 1.2 Alcohol: means intoxicating liquor of all descriptions (including beer, cider, wine and spirits) and this policy covers obtaining, possessing, consuming, and supplying alcohol.
- 1.3 Alcoholic spirits: means an alcoholic drink which is produced by distillation of grains, fruit, or vegetables that have already gone through alcoholic fermentation. They typically have an alcohol content of higher than 15%. Examples include vodka, gin, rum, whisky, brandy and tequila. This also refers to drinks which contain alcoholic spirits.
- 1.4 Drugs and substances: means controlled drugs and the paraphernalia of drugs or substances intended to resemble drugs, substances commonly referred to as “new psychoactive substances” (formerly known as “legal highs”) or "legal" drugs which can be obtained from a chemist shop, performance enhancing drugs, anabolic steroids, glue and other substances possessed or supplied in each case for purposes of misuse. This policy covers the possession, use and supply of such substances.
- 1.5 Tobacco: means any tobacco-related product and paraphernalia including cigarettes, cigars and pipes and any other smoking related products such as nicotine substitutes and electronic cigarettes.
- 1.6 Smoke and Vape Free Policy: The College operates a smoke and vape free policy within its buildings, grounds and vehicles. The total smoking and vaping ban applies to the whole College community including employees, parents, visitors, members of the public and others working in or using the College's premises or vehicles.

2 Policy

2.1 Aims: The central aims of this policy are:

2.1.1 to promote safety, welfare and good physical and mental health;

2.1.2 to promote a mature and moderate approach to the use of alcohol;

2.1.3 to reduce the risk of alcohol-induced misconduct in and out of College;

2.1.4 to prevent smoking in and out of College;

2.1.5 to keep drugs out of the College.

2.2 Education: We educate pupils to understand the effect and risks associated with alcohol and tobacco in relation to their health and well-being and the law and that the use of illegal drugs is or may be a criminal offence and will be harmful to their health, integrity, independence, opportunities and careers and will damage the society in which they live. We educate by means of life and key skills lessons and lectures, also by example and by discussion.

2.3 Pastoral care: We encourage pupils to discuss in confidence any anxieties they may have about use of tobacco, alcohol or drugs and substance abuse with a member of staff or the College counsellor. Where a pupil voluntarily admits, independently of any disciplinary or room/house search incident, to having taken drugs, the school will initiate a “supportive regime” details of which are explained in Appendix 3 below

2.4 College Rules: The Rules forbid a pupil from:

2.4.1 smoking inside or outside the College, being in possession of tobacco or smoking-related paraphernalia, including e-cigarettes, while in the care of the College or supplying tobacco, smoking-related paraphernalia, including e-cigarettes to other pupils;

2.4.2 any possession, use or supply of drugs and substances;

2.4.3 bringing alcohol onto College premises or being in unsupervised possession of alcohol or obtaining or supplying alcohol to another, or being impaired by alcohol while on College premises or in the care of the College;

2.4.4 bringing the College into disrepute for any reason associated with tobacco, alcohol or drugs and substances, whether or not the pupil is in the care of the College at the time. Action will be taken when the welfare of any member of the College community or the reputation of the College is affected.

2.5 Detection: Every complaint, report, or observation in relation to tobacco or alcohol or involvement with drugs and substances will be followed up and investigated. A pupil suspected of such involvement may be suspended pending the outcome of an investigation.

2.6 Sanctions:

2.6.1 Tobacco and alcohol: Sanctions will be applied in accordance with the College's Promoting Good Behaviour and Discipline Policy. For a serious breach or persistent minor breaches, a pupil may be required to leave the College permanently.

2.6.2 Drugs: Anyone supplying drugs must expect to be permanently excluded immediately even if he / she is about to sit public examinations. Anyone possessing or using drugs must also expect to be permanently excluded but when a pupil has voluntarily come forward seeking help independently of any disciplinary or house/room search incident, a supportive regime (see Appendix 3) may be offered as an alternative. The Head is not obliged to offer a supportive regime.

2.7 Staff Training: Staff will be trained from time to time on how to recognise and manage issues involving tobacco, alcohol, drugs and substances.

2.8 Parents: If Parents attending College premises appear to be under the influence of drugs or substances or alcohol, they will be asked to leave and the member of staff making the request should refer the matter to the College's Designated Safeguarding Lead (DSL). If a member of staff suspects that a parent has driven or will drive whilst under the influence of drugs or alcohol, the member of staff should report the matter to the DSL or a member of the senior management team who may telephone the police. If the DSL reasonably believes that a child is at immediate risk of harm from a parent who is under the influence of alcohol or drugs, the child will not be released into the care of the parent and the College's child protection procedures will be followed.

3 Searches for tobacco, alcohol, drugs and substances

3.1 Searches with consent: College staff can search pupils for tobacco, alcohol, drugs or substances with their consent. The member of staff will consider the pupil's age and other factors when determining whether the pupil is capable of giving his / her consent.

3.2 Searches without consent: The Head and staff authorised by the Head may search a pupil or a pupil's possessions without their consent where they have reasonable grounds for suspecting that a pupil has tobacco, alcohol or drugs or substances in their possession. See Appendix 4 of the College's Promoting Good Behaviour and Discipline Policy on searching and confiscation.

3.3 Police involvement: If the College seizes a controlled drug, the drug may be destroyed if there is good reason to do so. Otherwise the College will deliver it to the police as soon as reasonably practicable. In all other cases, the College may decide to request the involvement of the police from the outset. If the police suspect that a pupil possesses or has stored drugs, substances or related paraphernalia, the police may elect to investigate using their own procedures or may pass the matter back to the College to investigate.

4 Testing

4.1 Biological sample: A pupil suspected of unauthorised consumption of alcohol or involvement with drugs or substances may be asked to give a biological sample. The reason for this policy is:

4.1.1 to deter breaches of College discipline;

4.1.2 to identify users;

4.1.3 to absolve those who have been wrongly suspected.

Reason to suspect alcohol consumption or use of drugs or substances may arise as a result of information or a complaint received or because of a pupil's behaviour or demeanour.

4.2 Intelligent Fingerprinting: a pupil suspected of consumption of drugs may be tested using Intelligent Fingerprinting.

4.3 Informed consent: The relevant consent to a test is that of the pupil rather than the parents, even if the pupil is under 16 years of age, provided he / she is of sufficient maturity and understanding and gives his / her informed consent in writing. The member of staff leading the investigation will determine whether or not the pupil is able to provide this consent and may request the additional opinion of a medically qualified member of staff.

4.4 Notifying parents: Reasonable endeavours will be made, before a biological sample is taken, to notify a parent, guardian or education guardian of the requirement for a sample and the reasons for that requirement.

4.5 Alcohol: See Appendix 1 for details of the testing procedure for alcohol.

4.6 Drugs and substances: See Appendix 2 for details of the testing procedure for drugs and substances.

4.7 Refusal: If a pupil refuses to provide a biological sample he / she will be asked to say why he / she has refused. The College will be entitled to draw inferences from his / her response and general demeanour. If a parent's consent is required and they refuse to consent to their child providing a biological sample, the College may draw inferences from the pupil's general demeanour.

4.8 Confidentiality and data protection: Sensitive personal information about pupils is disclosed only on a "need to know" basis with careful attention to pupils' rights and needs.

5 Subsequent Action

5.1 Procedure: The College will treat a positive test, although not infallible, as evidence that the pupil has consumed alcohol or been using drugs or substances, as appropriate.

5.2 Disciplinary action: Where there is a positive test, or where the pupil refuses to provide a sample to be tested the College will follow the procedures set out in its Promoting Good

Behaviour and Discipline Policy and, if in cases where a pupil may expect to be permanently excluded, the College's Exclusion for Misconduct Policy and Procedures.

6 Monitoring

6.1 This policy will be reviewed:

- following any serious incident involving pupils and alcohol or drugs and substances
- following the issue of any new guidance from the Department for Education (DfE)
- in any event, every three years.

6.2 The review will be carried out by the Senior Deputy Head, who will also evaluate the effectiveness of education on these matters in the College. A report will be made to the College Council who may authorise any necessary amendments.

Appendix 1 Testing for alcohol

- 1 Method of use: Only members of staff who have received training will be authorised to administer breathalyser testing equipment. In general, they will be members of the Senior Management Team, Sixth Form Centre or House staff.
- 2 Refusal: If a pupil refuses to provide a sample of breath the pupil may be asked to supply, under medical supervision, a saliva and/or urine sample for analysis in accordance with the drug testing procedures (see Appendix 2).
- 3 Record: Except where routine breath testing is carried out, a written record will be kept when a pupil is asked to take a test and its outcome will be recorded.

Appendix 2 Testing for drugs

- 1 Biological sample: If there is reason to suspect that a pupil has been involved with drugs or substances, he / she may be asked to supply a saliva or urine sample (Biological Sample) for analysis. The type of sample to be collected will be determined in each case by the Senior Deputy Head.
- 2 Intelligent Fingerprinting: If there is reason to suspect that a pupil has been involved with drugs or substances, he/she may be asked to undergo Intelligent Fingerprint testing. This works by detecting target drugs and drug metabolites contained within the tiny traces of sweat in fingerprints. This will be done under supervision, normally by the Senior Deputy Head.
- 3 Medical supervision: The Biological Sample will be taken under supervision, normally by the Senior Deputy Head. A second senior member of the College staff will also be present as an objective bystander. Wherever possible, the pupil's Housem, Deputy Housem or tutor will also be present to provide support to the pupil. All due care will be taken to respect the pupil's privacy and human rights.
- 4 Testing procedures: These will be in accordance with standard good practice and will be described clearly to the pupil at the time:
 - 4.1 a Biological Sample will be collected as described in 1 above;
 - 4.2 Intelligent Fingerprinting may be used as described in 2 above;
 - 4.3 if the testing equipment used records a positive result, the College reserves the right to require the pupil to provide a sample of hair for external laboratory testing. The collection, storage and transportation of the hair sample will be in accordance with good practice and any guidance provided by the external testing laboratory.
- 5 Medical record: The outcome of a test, whether positive or negative, will not form part of the pupil's permanent medical record.
- 6 Outcome: When the College receives the laboratory report:
 - 6.1 reasonable attempts will be made to notify a parent by telephone;
 - 6.2 if the result is negative, the second sample will be destroyed immediately;
 - 6.3 if the result is positive, the second sample will be made available for independent analysis.

Appendix 3 Supportive regime

Full name of pupil	
Date	
Pupil's date of birth	
Age now	
1	I have made a voluntary admission of having used a controlled drug or substance in breach of the College's policy and disciplinary rules.
2	As an alternative to expulsion, the Headmaster has offered me a supportive regime under which: 2.1 for the remainder of this term and the next three College terms, without obligation on the part of the College, I may at any time be asked to undergo Intelligent Fingerprint testing or to provide a biological or hair sample under medical supervision for analysis in accordance with the procedures described in the attached policy which I have read and understood; 2.2 I understand that I may be asked to undergo Intelligent Fingerprint testing or to provide a biological or hair sample at any reasonable time even if no grounds exist at that time to suspect that I have been involved with drugs or substances.
3	I agree to be subject to this regime and to co-operate with the College in every respect. I understand that the College will take all reasonable care to preserve my confidentiality and human rights in the operation of this regime.
4	I also understand that if without good reason I fail to co-operate with this regime or if a test proves positive I would almost certainly be required to leave the College.
Signed	

Declaration of parents / guardian / education guardian

I / We the undersigned have read the College's Policy on Drugs and Substances, and this Appendix. For my / our part, I / we accept the Head's offer of a supportive regime for the above named pupil, as described above.

I / We undertake to co-operate with the regime in all respects and to pay the laboratory charges for each test which I / we understand to be less than £[● amount] plus VAT per test.

Signed	
Full name	
Relationship to pupil	
Date	

Signed	
Full name	
Relationship to pupil	
Date	