



RUGBY SCHOOL

## **Smoking, Alcohol and Drugs Policy**

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**September 2021**

**Responsibility for updating this policy: Assistant Head, Houses**

**References**

DfE and ACPO drug advice for schools (September 2012)

DfE: Use of reasonable force (July 2013)

DfE: Searching, screening and confiscation: advice for schools (January 2018)

Rugby School Discipline and Rewards Policy

Rugby School Permanent Exclusion and Required Removal Policy

The Student Manual

The Guidelines for Life at Rugby School

**1. Rugby School Guidelines**

1.1 **Social Pressures:** It is usually within a social context that people initially drink, smoke or experiment with drugs. The use or misuse of alcohol and the use of tobacco and drugs or other substances can be very damaging both to individuals and to society; therefore, Rugby School has established important guidelines and rules in these areas.

1.2. The consumption of a limited range of alcoholic drinks is permitted for senior students on certain occasions and in certain places. Smoking and drugs are forbidden, indeed, providing, selling or using illegal drugs is regarded as a very serious offence. Mood-enhancing products, such as Nitrous Oxide, "Poppers" and other so-called 'legal highs' or new psychoactive substances (NPS), are absolutely forbidden. Solvents or other aerosols must not be inhaled. Stimulants such as "Pro Plus" are also not permitted.

1.3. **Alcohol:** Alcohol means intoxicating liquor of all descriptions (including beer, cider, wine and spirits) and this policy covers obtaining, possessing, consuming, and supplying alcohol. With the written consent of their parents and the permission of their Housemaster/Housemistress (Hm), there are some circumstances as set out in the Student Manual and Guidelines for Life at Rugby School where Sixth Formers may drink beer, cider and wine on a limited basis.

With the written consent of their parents, and on each occasion the permission of their Hm, students in the XX who are over 18 may visit certain specified public houses as set out in the Student Manual and Guidelines for Life at Rugby School. Licensed and Off-licensed premises are otherwise strictly out of bounds. No-one in the School may purchase or consume alcohol at any time except in the above circumstances or at special events supervised directly by the Hm or someone deputed by the Head. Parents who intend to take students out to pubs or restaurants (for example after matches) should always discuss this with their child's Hm before doing so.

1.4. **Smoking and vaping:** Students are not allowed to smoke or vape inside or outside the School. Smoking is a health and safety risk and is particularly serious in-House as it exposes others to passive smoking and is a significant fire risk. Smoking in public buildings in England is illegal and carries a heavy fine.

1.5. **Drugs:** 'Drugs', for the purposes of this policy, means controlled drugs and the paraphernalia of drugs or substances intended to resemble drugs, or legal or prescription drugs which can be obtained from a chemist shop. The definition also extends to performance-enhancing drugs, anabolic steroids, glue, other solvents or aerosols, novel psychoactive substances and all other

substances held or supplied in each case for purposes of misuse. This policy covers the possession, use and supply of such substances.

The School is aware that some substances which are not illegal may have an intoxicating, and/or stimulating and/or hallucinogenic effect. These fall into the definition of 'drugs' for the purposes of this policy. The use of any products which have such an effect is against School rules and students misusing such substances (including possession or supply of such substances) will be dealt with in a similar fashion to those who use illegal substances.

The School community extends beyond the campus. Students of Rugby School may not use, possess or supply these substances at any time; either at School or away from School, including during the holiday periods. The definition of 'use' in this policy includes either deliberate or reckless inhalation, injection or ingestion. The definition of 'possession' includes having the drug or substance on one's person, in one's clothing, in one's room or in one's belongings, although 'possession' may also include having knowingly concealed a drug or substance in another location with the intention of retrieving it in the future, including coercing another student to conceal the substance in their room or belongings.

**1.6. Rules about drugs and alcohol:** The School forbids a student from:

1.6.1. any possession, use or supply of drugs and substances at any time;

1.6.2. subject to the circumstances set out in 1.3 above, bringing alcohol onto School premises or being in unsupervised possession of alcohol or obtaining or supplying alcohol to another, or being impaired by alcohol while on School premises or in the care of the School;

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

**2. Pastoral care**

2.1. **Pastoral care:** We encourage the students to discuss their anxieties about smoking, alcohol, drugs or substances in confidence with a member of staff or the school counsellor. Matters brought into counselling by a student or their parents, in circumstances that are genuine, will be 'ring-fenced' from disciplinary sanctions or adverse report (see section 2.2), but a student suspected of involvement with smoking, alcohol or drugs or substances outside this context will face the full disciplinary consequences.

2.2. **Process for Pastoral Support:** Any student who discloses an issue under Section 2.1 of this policy, will, from the moment of disclosure, be expected to comply fully with the School's requirements for the student to receive advice and treatment for their issue. This will include having to comply with the conditions as laid out in section 7.3 of this policy. The student will also be subjected to randomly-times drug testing as described in section 5.2 (and others) of this policy.

2.3. **Staff:** The members of staff who oversee and co-ordinate these issues are the Deputy Head, Pastoral and the Assistant Head, Houses.

2.4. **Training:** Staff will be trained on induction on how to recognise and manage such issues. Periodic updates will be given from time to time.

2.5. **Education:** The School educates students to understand 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. Education about smoking, alcohol and drugs is aimed at all year groups. It is

included in the School's RSHE programme and at year group presentations/assemblies as well as in some lessons, such as Biology.

- 2.6. **Parents:** Every parent should read and discuss this policy with their child. The School encourages open discussion between parents and students so that parents are aware of the issues and pressures facing their child. If parents attending school premises appear to be under the influence of drugs or alcohol, they will be asked to leave and the member of staff making the request should refer the matter to the School'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 student or other child is at immediate risk of harm from a parent who is under the influence of alcohol or drugs, the student or other child will not be released into the care of the parent until appropriate measures have been taken. These may include involving another member of the family, social services or the police.

### 3. Searches for alcohol, drugs, substances and related paraphernalia

- 3.1. **Informed consent:** Before any search is undertaken consent will normally be sought from the student, unless the student is incapable of giving such consent due to intoxication or absence from school. The member of staff leading the search will determine whether or not the student is able to provide this consent and may request the additional opinion of a medically qualified member of staff if required. If the student refuses consent, they will be asked to say why they have refused. The School will be entitled to draw inferences from their response and general demeanour and the police may be informed.
- 3.2. **Searches without consent:** The Head and staff authorised by the Head may search a student or a student's possessions or room without their consent where they have reasonable grounds for suspecting that a student has tobacco, alcohol or drugs or substances in their possession. See the Appendix of the School's 'Discipline and Rewards Policy' on searching and confiscation.
- 3.3. **Seizure:** Any seizure of a substance covered in section 1.5 of this policy will take place in the presence of two adults. See section 4 of this policy and the Appendix of the 'Discipline and Rewards Policy'.

### 4. Police involvement

- 4.1. **Procedures:** If the School seizes a controlled drug, the drug may be destroyed by the School Security personnel if there is good reason to do so. Otherwise, the School will deliver it to the police as soon as reasonably practicable. In all other cases, the School may decide to request the involvement of the police from the outset. If the police suspect that a student 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 School to investigate.
- 4.2. Any seizure of a substance thought to be an illegal substance will take place in the presence of two adults authorised by the Head to undertake searches. See the Appendix of the Discipline and Rewards Policy.
- 4.3. **Contacting the police:** The Head may use his discretion to decide whether police involvement is appropriate. In any case, the statutory authorities would normally be contacted by the DSL in order to safeguard the students at the School.

## 5. Testing for drugs or alcohol

5.1. **Random testing:** Any student may be asked to undertake a randomly-timed drug test at any time whilst they are at School. They will be asked to supply, under supervision by a trained operative, a biological sample for analysis. The name(s) of the student(s) to be tested will be randomly chosen by a member of SMT from a range of year groups. The reason for this policy is to deter the use of drugs and substances by students.

5.2. **'For cause' testing:** If, outside the context of confidential counselling, there is reason to suspect that a student has been involved with drugs or substances, they may be asked to supply, under supervision by a trained operative, a biological sample for analysis. The reason for this policy is:

- to deter the use of drugs and substances
- to identify users
- to absolve those who have been wrongly suspected.

Reason to suspect use of illegal drugs may arise as a result of information or a complaint received or because of a student's behaviour such as:

- a decline in performance in school work
- marked swings in mood
- excessive tiredness
- sores and rashes especially on the mouth or nose
- a lack of interest in physical appearance
- an unwillingness to take part in School activities
- other signs or evidence, such as the finding of certain items of equipment, behaviour on a particular occasion, or other information that has been gathered

5.3. **Breath test:** A student suspected of unauthorised consumption of alcohol may be asked to give a sample of their breath by blowing into a breathalyser. Only members of staff who have received training will be authorised to administer the test and the test, when possible, will be witnessed by another member of staff, although this requirement should never prevent timely testing.

5.4. **Informed consent:** The relevant consent to a drugs or alcohol test is that of the student rather than the parents, even if the student is under 16 years of age, provided they are of sufficient maturity and understanding and give their informed consent in writing. The member of staff leading the search will determine whether or not the student is able to provide this consent and may request the additional opinion of a medically qualified member of staff. In any case, a testing consent form signed by parents will be required and it is a condition of acceptance of a new student into the School that a signed consent form is returned to the School.

5.5. **Notifying parents:** Reasonable endeavours will be made, before a biological sample is taken, to notify the student's parents, guardian or education guardian of the requirement for the test and reasons for that requirement, unless parents have already been informed that a student has been put onto the testing programme in which case the School may not inform the student's parents before each individual test. This clause, however, is not binding and students may be tested before parents are notified if necessary for safeguarding or other reasons.

- 5.6. **Drug Test supervision:** The biological sample will be taken by a qualified practitioner from an independent provider of testing services. A member of School staff will be present if required. All due care will be taken to respect the student's privacy and human rights.
- 5.7. **Refusal:** If a student refuses to provide a biological sample or sample of breath, they will be asked to say why they have refused. The School will be entitled to draw inferences from their response and general demeanour and the police may be informed. If a parent's consent is required and they refuse to consent to their child providing a biological sample or sample of breath, the School may draw inferences from the student's general demeanour and, in the case of drugs, the police may be informed.
- 5.8. **Drug testing procedures:** These will be in accordance with standard good practice. For example:
- 5.8.1. care will be taken to make as certain as possible that the sample provided is genuine and uncontaminated;
  - 5.8.2. chain of custody checks will be carried out to ensure that the sample remains uncontaminated at all stages of the process;
  - 5.8.3. the donor will be required to complete paperwork to confirm the validity of the sampling and that the chain of custody is intact;
  - 5.8.4. the sample will be sent to a UK Accredited Service laboratory for analysis.
- 5.9. **Medical record:** The outcome of drug and alcohol testing, whether positive or negative, will not form part of the student's permanent medical record.
- 5.10. **Outcome:** When the School receives the laboratory report:
- 5.10.1. reasonable attempts will be made to notify the student and parent by letter or e-mail;
  - 5.10.2. if the result is negative, parents will be informed by letter;
  - 5.10.3. if the result is negative, the second sample will be destroyed immediately;
  - 5.10.4. if the result is positive, the second sample will be made available for independent analysis.
- 5.11. **Confidentiality:** Sensitive personal information about students is disclosed only on a "need to know" basis with careful attention to students' rights and needs. All incidents involving the use, supply or possession of drugs will invariably be brought to the Head's attention, as will any circumstances requiring a student to be tested.
- 6. Subsequent action – alcohol**
- 6.1. **Procedure following a positive breath test:** The School will treat a positive alcohol breath test, although not infallible, as evidence that a student has been drinking alcohol. Normally the Hm will investigate the incident and the student would report to a member of the SMT.
- 6.2. **Procedure in the case of possession or use of alcohol:** The Hm will investigate the incident and the student would report to a member of SMT.
- 6.3. **Sanction:** The SMT will apply a suitable sanction, as laid out in the Student Manual.

**7. Subsequent action – drugs or substances**

7.1. **Procedure following a positive drugs test:** The School will treat a positive drug test, although not infallible, as evidence that the student has been using drugs. Subsequently, the following may apply:

7.1.1. the student will normally be suspended from School;

7.1.2. the student will be asked to attend a meeting with a member of SMT with their parents or a member of the School staff chosen by them to assist them;

7.1.3. the evidence of the positive sample and all other relevant evidence will be put to the student and they will be invited to respond;

7.1.4. their response will be heard and considered and further enquiries will be made if necessary;

7.1.5. the SMT member will make a finding of fact on the balance of probabilities based on the evidence and supported by reasons.

7.2. **Sanction following a positive drug test:** If the SMT member's decision is that the student has been using drugs, following a drugs test, the Head will be informed. The Head will outline the range of sanctions they have been considering and will then, or at a later meeting if requested, hear mitigating circumstances and consider the student's academic and disciplinary record before deciding on the sanction. If expulsion or required removal is being considered, the procedures set out in the School's 'Permanent Exclusion and Required Removal Policy' will be followed.

7.3. **Sanction following use, possession or supply of drugs:** Anyone supplying drugs must expect to be permanently excluded immediately even if they are about to sit public examinations. Anyone possessing or using drugs must also expect to be permanently excluded but, in exceptional cases, a supportive regime may be offered as an alternative to expulsion.

At the Head's sole discretion, a student who contravenes the School's policy may be allowed to continue in the School on certain conditions which must be strictly adhered to, and which are outlined below:

Circumstances & Conditions:

- The student must have no previous record of serious breach of the School's discipline in any matter
- The offence must be the use or possession of drugs and not the supply of drugs
- The student must show due remorse
- The student must provide details about when they last took a drug
- The student no longer uses drugs or must be prepared to meet the School's programme for giving up using drugs
- The student must cooperate in identifying sources of supply and in identifying other students who are involved in substance misuse, possession or supply
- Parents must signal their unequivocal endorsement of the School's policy
- The parents and student must consent to the School's right to require the student to undergo regular testing for drug use and parents agree to cover the cost of the tests
- Subsequent use, possession or supply of a drug will be cause for immediate dismissal, as will any other serious breach of School discipline

The Head is not obliged to offer this supportive regime.

- 7.4. **Supportive regime (see section 7.3):** In the case of drug or substance abuse, if there are extenuating circumstances and the student is not permanently excluded from the School and at the Head's sole discretion, the student will be put on a randomly-timed drug testing programme. If any subsequent tests are positive, the student can expect to be permanently excluded from the School immediately. Refusal to take a test in these circumstances may also result in the student being required to leave the School.
- 7.5. **Review:** If the student is permanently excluded or required to leave, they and their parents may request a Governors' Review in accordance with the School's 'Permanent Exclusion and Required Removal Policy'.
- 7.6. **Charges:** Invoices for each test required under this policy will be passed directly to the Chief Operating Officer when appropriate. The School will cover the cost of a first test required by the School which is negative, but parents will be charged for a first test if it is positive and for any subsequent tests in accordance with this policy.

## 8. Smoking and Vaping

- 8.1. A student who is caught smoking, is suspected of smoking, is in possession of tobacco or smoking paraphernalia or has supplied such products to other students will be subject to the School's disciplinary procedures. Persistent offences could result in a requirement for the student to be removed in accordance with the School's 'Permanent Exclusion and Required Removal Policy'. Smoking paraphernalia includes any other smoking related products such as nicotine substitutes and electronic cigarettes.
- 8.2. The School San can offer students a smoking cessation programme which may involve the controlled and supervised use of nicotine replacement therapies.

## 9. Student Safeguarding

- 9.1 Student safeguarding and Child Protection procedures will be taken into account when applying this policy. If a child is in danger of immediate, serious harm, elements of these outlined procedures may not be followed in order to expedite appropriate care for the child.

## 10. Monitoring

- 10.1. This policy will be reviewed regularly and in particular:
- following any serious incident involving students and drugs
  - following the issue of any new guidance from the Department for Education (DfE)
- 10.2. The review will be carried out by the Assistant Head (Houses). A report will be made to the Governors who will authorise any necessary amendments.

<p><b>Authorised: Risk, Compliance and Safeguarding 22 September 2021</b> <b>Committee:</b></p>
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