

Psychoactive Substances

What schools need to know about the new law

Alcohol and Drug Prevention Briefing Paper

July 2016

This briefing paper is **part of a series** produced by Mentor ADEPIS on alcohol and drug education and prevention, for teachers and practitioners.

Questions for schools

1. What are the implications of the Psychoactive Substances Act?

2. What do we need to do as a school?

This briefing paper is mainly intended for head teachers, school staff and governing bodies but it may also be useful for local authorities, parents, school nurses and other health professionals who have an input on drug issues, as well as the police and local agencies working with individual schools to prevent drug misuse amongst pupils. It is our intent to update education practitioners about [The Psychoactive Substances Act 2016](#), which came into effect on 26th May 2016, and to help them understand the implications that the new legislation might have on those who are willing to include these substances in their alcohol and drug education programmes. More background information about '[Legal Highs](#)' and [Novel Psychoactive Substances](#) is available on Mentor ADEPIS website.

The law has changed

Following the Queen's speech on 27th May 2015, the Government has approved the Psychoactive Substances Act, which

intends to impact decisively on the supply of New Psychoactive Substances (NPS) more commonly known as "legal highs". This new legislation bans "any substance intended for human consumption that is capable of producing a psychoactive effect" excluding those defined in the legislation as "legitimate substances" (food, alcohol, tobacco, nicotine, caffeine, medical products and controlled drugs). The main purpose of creating a blanket ban on all psychoactive substances is to protect young people from exposure to these drugs and avoid driving the psychoactive substances market without hindering any legitimate use of psychoactive substances, such as in healthcare, research or industry.

Therefore, it is now illegal to supply, produce, distribute and sell these substances. Sellers will face a (maximum) seven years prison sentence; there is currently no personal possession offence, unless personal possession is with intent to supply.

To clarify: drugs that are already illegal, such as cocaine, ecstasy, heroin and a number of so-called "legal highs" that have already been controlled as class A, B or C drugs, are not affected by these changes to the law. It is a crime to have these drugs in your possession at all.

Key messages for children and young people

From the perspective of teachers and education practitioners, the key message is that whether NPS are legal or illegal, the risks and harms posed by these drugs remain very high and should be treated like any other psychoactive substances. In the light of the recent legislative changes, Mentor encourages all those who work with children and young people to share the following information:

- From 26th May, it is illegal to sell or supply drugs known as so called “legal highs”;
- Sharing these drugs with your friends means you are putting them at risk and danger;
- The changes in the law mean you could face legal consequences for giving or selling any drugs to anyone.

The new law will surely help dispel the myth that NPS are not harmful but also clarify the ambiguity and confusion about the terminology faced by young people when referring to these substances. In this sense, Mentor stresses, yet again, the need for a comprehensive personal, social, health and economic (PSHE) education delivered through age-appropriate and targeted interventions, which may be very effective especially when dealing with NPS. A large body of research suggests that it is less effective to deliver narrow NPS interventions in isolation, with some research suggesting this may actually do more harm than good. Instead, Mentor promotes holistic and evidence-based interventions delivered in a targeted way to identified and vulnerable groups, offering them support and opportunities for positive change.

Advice for schools

New Psychoactive Substances must be included in any school drug policy, where applicable, as unauthorised substances and treated as such. If there is uncertainty about what a substance is, it should be treated as a controlled drug, regulated by the [Misuse of Drugs Act 1971](#). Both pupils

and staff should be aware of how these products are regarded and treated by the school. A school’s drug policy should also outline safeguarding and supporting procedures for pupils using or possessing these substances.

Below is an example of how a school could include NPS in their drug policy.

Drug Policy Guidelines

Definition of drug

‘A drug is a psychoactive substance that alters the consciousness, mood, and thoughts of those who use them. People often take to change the way they feel, think or behave’. (United Nations Office on Drugs and Crime)

Updated definition of NPS

‘NPS are drugs that are designed to replicate the effects of other illegal substances. People may refer to these drugs as “legal highs”, but all psychoactive substances are now either under the control of the Misuse of Drugs Act 1971 or subject to the Psychoactive Substances Act 2016 (PS Act).’

For further information see the Home Office and NPCC [NPS Communications toolkit](#) (published in May 2016) and the [Drugs Wheel](#).

About ADEPIS

The Alcohol and Drug Education and Prevention Information Service is run by Mentor, the drug and alcohol prevention charity and is funded by Public Health England, Home Office, and Department for Education.



More resources and advice are available from mentor-adepis.org. For further information, contact:

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