

Updating your drugs policy to include NPS

This briefing paper is **part of a series** produced by Mentor-ADEPIS to support the delivery of effective alcohol and drug education and prevention in schools and other settings.

About Mentor

Mentor promotes best practice around building young people's resilience in order to prevent alcohol and drug misuse.

About ADEPIS

The Alcohol and Drug Education and Prevention Information Service (ADEPIS) is a platform for sharing information and resources aimed at schools and other professionals working in drug and alcohol prevention. In 2017, ADEPIS was recognised by UNESCO, UNODC and WHO as a 'prime example' of best practice in alcohol and drug education.

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This briefing paper is part of a series produced by Mentor-ADEPIS on alcohol and drug education and prevention, for teachers, practitioners, local authorities and Academy Trusts. This paper offers guidance on how to update school drugs policy in line with current legislation.

This is one briefing paper in a series dedicated to new psychoactive substances, which are available from mentor-adepis.org

This briefing paper is for:

- ◆ Teachers
- ◆ PSHE coordinators
- ◆ School leaders
- ◆ PRUs
- ◆ Higher education institutions

Questions for schools:

1. Why should schools update their drugs policy?
2. How should an education provider define NPS in their drugs policy?
3. How should an education provider respond to a student who is drug-taking or found dealing NPS?
4. Is exclusion necessary?
5. How should schools update the alcohol and drug education curriculum to include NPS?

Why should schools update their drugs policy?

The Department for Education acknowledges schools play a vital role in tackling drugs misuse in England and Wales; for this reason, school policy should be keeping up with current drug trends, whether or not the substances are legal. Local authorities should take a standards-based approach to drugs education and drug policy that promotes sustainable health and wellbeing values in their area. This applies to primary, secondary and special schools, People Referral Units (PRU) and Higher Education Institutes.

Every school's drugs policy should include new psychoactive substances (NPS), formerly known as "legal highs," as these drugs have had harmful effects on young people and some school communities. Schools have a statutory obligation to protect the welfare of their students, so they must maintain accountability by updating their drugs policy accordingly, particularly considering increasing numbers of school exclusions related to drugs and alcohol.

The school's Board of Governors should be aware of policy developments such as the introduction of the Psychoactive Substances Act (2016) – this will enable them to review and update their drugs policy and curriculum, as well as respond appropriately to incidents of exclusion related to NPS.

How should an education provider define NPS in their drugs policy?

In previous briefing papers, Mentor looked at the impact of new psychoactive substances on public health and drugs education. Schools and practitioners should also update their drugs policy to take account of New Psychoactive Substances (NPS).

It is worth considering the inclusion of prescription and Image and Performance Enhancing Drugs (IPEDs) in the updated policy; like NPS, these have become more significant drugs of abuse in recent years.

An allocated member of staff should be responsible for ensuring **accurate terminology and correct definitions** within the overall drugs policy. The member of staff responsible must circulate the drugs policy to all staff and parents. It should be referenced in the staff handbook and included in induction sessions for new pupils, staff, governors and parents.

A guide to drug definitions and terminology

The United Nations Office on Drugs and Crime (UNODC) on NPS on terminology: *“New psychoactive substances (NPS) have been known in the market by terms such as “legal highs”, “herbal highs”, “bath salts” and “research chemicals”.*

To promote clear terminology on this issue, the UNODC uses the term “new psychoactive substances (NPS).”

Psychoactive substances should clearly be defined in a school’s drugs policy as *“drugs that are designed to replicate the effects of other illegal substances.”* People may still 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).

How should an education provider respond to a student who is found taking or dealing NPS?

Young people who misuse substances are vulnerable. Some may just be experimenting, but sometimes other risks or criminal activity could be at play: parental drug abuse, delinquent behaviour, sexual exploitation or gang affiliation. These individuals must be identified so they can be referred to youth services that use targeted interventions, education and counselling. Even if substance misuse isn’t an issue, it is crucial for any school to liaise with Local Drugs Action Teams (LDATs) where available, as they can help plan drug resources according to local needs.

Acting on ‘reasonable grounds’, teachers have the power to search a student, their personal items or locker if they suspect drug-taking or the supply of drugs. Members of staff must decide in each case what constitutes reasonable grounds for suspicion – for example, they may have heard other pupils talking about the item or notice a pupil behaving in a suspicious manner.

The charity Child Law Advice offers guidance about how to carry out searches in an appropriate manner. To ensure accountability, two staff members should be present and should maintain a record of the person searched, the reason for the search, the time and the place, the outcomes and action. The staff member carrying

out the search should be the same sex as the pupil, unless the staff member believes there is a risk to their safety if they were to carry out the search. Any sensitive and personal information should be stored in line with the Data Protection Act 1998 and the forthcoming General Data Protection Regulation (May 2018).

The school drugs policy should reference Section 94 of the Education and Inspection Act 2006 that allows confiscation of a 'known' or 'unknown' substances by staff. Academies should comply with the School Behaviour (Determination & Publicising of Measures in Academies) Regulation 2012, a legislative instrument for alternative provisions that mirrors the Education and Inspection Act 2006 by determining measures and identifying items that pupils can be searched on.

Any confiscated substances should be treated as a controlled drug until police toxicologists determine otherwise; police will then determine whether to proceed with a caution or prosecution of the student under the Misuse of Drugs Act (1971) or Psychoactive Substances Act (2016).

The National Police Chiefs' Council (NPCC) **do not recommend using drug dogs** for searches where there is no evidence, with NPS posing a challenge to enforcement. The European Monitoring Centre for Drugs and Drug Addiction reported 620 known psychoactive substances being under surveillance in 2016, with only a small number detectable by trained dogs.

Is exclusion necessary?

A Pastoral Support Programme (PSP) should be put in place for students who are suspected drug users, or those caught in possession of NPS. Note that under the Psychoactive Substances Act it is not an offence to possess certain NPS, such as Nitrous Oxide; however, many Synthetic Cannabinoid Receptor Agonists (SCRAs) are Class B drugs controlled under the Misuse of Drugs Act, making their possession a criminal offence. It is crucial that a PSP is implemented to ensure students' specific needs are met.

Section 52(1) of the Education Act 2002 states that the headteacher can exclude a pupil from school for a fixed period or permanently on the condition that the exclusion is "lawful, reasonable and fair." Students who are caught supplying NPS in school are committing a criminal offence, so the Secretary of State would not expect governing bodies or independent appeal panels to reinstate this pupil.

How to update alcohol and drug education to include NPS

Schools should have an existing Personal, Social, Health and Economic (PSHE) education curriculum in place that is comprehensive and age-appropriate. Effective PSHE should take a holistic approach to building resilience and life skills so students are able to face and avoid the risks posed by NPS and other substances.

A series of lesson plans that support teachers in delivering effective alcohol and drug education are available for download from our website at mentor-adepis.org/lesson-plans

The **Mentor-ADEPIS Professional Development Course** is a free training programme for professionals who deliver alcohol and drug education to young people. The course is made up of four training modules. Each module can be accessed separately and focuses on four key themes that are essential for the delivery of high quality, needs-led alcohol and drug education. To enrol, please go to mentor-adepis.org/professionaldevelopment/

A substantial body of research suggests it is less effective to deliver one-off NPS interventions that involve shock tactics, ex-drug users or the police. 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.

To find out more about effective approaches in alcohol and drug education check the briefing paper section of our website: mentor-adepis.org

Practitioners and parents should encourage young people to visit our specialist drug information website on NPS called Why Not Find Out: www.wnfo.org.uk

Useful resources

Reviewing your drug and alcohol policy: a toolkit for schools
<http://mentor-adepis.org/wp-content/uploads/2016/03/Toolkit-template.pdf>

DfE and ACPO drug advice for schools: Advice for local authorities, headteachers, school staff and governing bodies (2012)
https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/270169/drug_advice_for_schools.pdf

Education and Inspections Act 2004:
<http://www.legislation.gov.uk/ukpga/2006/40/section/94>

Children's Legal Centre:
<http://www.childrenslegalcentre.com/>

Child Law Advice:
<http://childlawadvice.org.uk/information-pages/school-powers-to-search-and-screen-pupils/>