



## INTRODUCTION

At Hutchesons' Grammar School, the possession, misuse or dealing in any illegal substance is regarded as a serious matter and will be dealt with in accordance with this policy.

- Hutchesons' Grammar School is committed to a programme of education on the dangers of illegal substances through P.S.E. and training for pastoral staff.
- The school has a duty to protect pupils from the influence of others who are promoting the use of drugs.
- The school has a responsibility to inform parents of its Substance Misuse Policy and to also provide advice and information.

## AIMS

The Policy aims are:

- To ensure that pupils at the school can work in a drug-free environment.
- To ensure pupils have an understanding of substance misuse issues in terms of health and the law.
- To be fair and consistent in dealing with drugs incidents.
- To provide guidance and information to help with the management of substance misuse
- To ensure that the school does its best to protect members of the school community from the dangers associated with the use and abuse of substances, including illegal drugs, prescribed drugs, solvents, alcohol and tobacco.

This policy should be considered in conjunction with the school's Child Protection Policy.

## SUPPORT

The school will therefore:

- Ensure the ongoing welfare of pupils through an effective programme of P.S.E. including education on substance misuse. Outside agencies are invited to contribute from time to time. Although drug problems tend to receive high-profile attention, it is recognised that tobacco (including the use of electronic cigarettes) and alcohol abuse by young people may be of concern in a greater number of cases and our P.S.E. education policy takes cognisance of this.
- Ensure that there is a health-promoting ethos, under the Schools (Health Promotion and Nutrition) (Scotland) Act 2007.
- Ensure pastoral staff are up to date in their training.
- Work with support agencies as appropriate (see Appendix 3).
- Work with parents by providing information as appropriate.

## SUBSTANCE RELATED INCIDENTS RESPONSE

The policy will be followed where a pupil is involved in any of the following activities being carried out in school, on school activities, school related activities, when in school uniform or when the reputation of the school may be adversely affected. The policy will be followed if a pupil:

- is in possession of an illegal substance.
- is suspected of being in possession of an illegal substance.
- is in possession of electronic cigarettes (which are illegal to buy for those under 18)





- is supplying/suspected of supplying electronic cigarettes to other pupils under 18
- is suspected of being under the influence of an illegal substance in the school, or while participating in any school activity.
- is suspected of buying or selling illegal drugs
- is suspected of selling illegal drugs
- is in possession of any drug paraphernalia
- is in possession of alcohol
- is suspected of being under the influence of alcohol

### DEALING IMMEDIATELY WITH THE PUPIL(S) – TOBACCO OR ALCOHOL

In the presence of a witness, wherever possible a member of SLT, the pupil(s) suspected of being involved will be asked to hand over any suspected e-cigarettes, tobacco or alcohol to a supervising teacher/adult for the purpose of preventing further consumption on school premises. It is against the school rules for pupils of any age to have these substances in school. A request can be made of pupils to hand over the contents of their pockets or bags, but this should be in the presence of a witness and on no account should a member of staff search any belongings without consent. A refusal to hand over the contents of their bag or pockets is likely to be seen as suspicious and may not be in the best interests of the pupil.

Parents will be contacted in the event of any pupil bringing any such substance into school and the school's disciplinary processes will be followed. Staff will investigate, collate information and refer to the Senior Depute Rector if necessary for formal disciplinary measures to be taken. In the event of a vape detector indicating the likelihood of vaping, the parents of pupils present will be informed, if it is not possible to identify who was responsible.

### DEALING IMMEDIATELY WITH THE PUPIL(S) – DRUGS

In the presence of a witness, wherever possible a member of SLT, the pupil(s) suspected of being involved will be asked to hand over any suspected drugs to a supervising teacher/adult for the purpose of delivering to the police. A request can be made of pupils to hand over the contents of their pockets or bags, but this should be in the presence of a witness and on no account should a member of staff search any belongings without consent. A refusal to hand over the contents of their bag or pockets is likely to be seen as suspicious and may not be in the best interests of the pupil.

If a pupil is reluctant to hand over any suspected substance, he/she should be told that this request will be repeated in the presence of his/her parents and, possibly, the police.

The receiving teacher/adult, providing he/she takes every reasonable step to deliver the substance to the police as soon as possible will, in terms of section 5(4)(b) of the Misuse of Drugs Act 1971, generally be protected from the risk of prosecution for possession.

The pupil must be given a receipt for any substances he/she hands over to staff. It is recommended that the substance is sealed in a bag, the seal specifying what the contents are. The receipt should be signed by the pupil as confirmation of what has been handed over.

**If it is suspected that the pupil has consumed any substance, medical advice should be sought – at the very least, Matron should be asked to attend. If the pupil presents as unwell, then staff should call 999 for advice.**



## WHILST WAITING

The pupil should be supervised constantly and where possible kept in a private room until parents and/or police arrive. Every effort will be made to keep the pupil under close supervision, and ideally, this should involve two members of staff. Every effort should be taken to ensure that the pupil is comfortable. **If it is suspected that the pupil has consumed any substance, medical advice should be sought – at the very least, Matron should be asked to attend. If the pupil presents as unwell, then staff should call 999 for advice.**

Every effort should be made to keep the pupil calm, but only reasonable steps should be taken to detain the pupil. The pupil should be asked to take off his/her jacket/coat. It should be kept, and any bag, separate from the pupil but in the same room so that a watch can be kept over it. Alternatively, all his/her belongings should be locked in a safe place, where possible in the presence of a witness.

Pupils should be allowed to visit the toilet; they should not take their blazer/jacket or bag and the visit should be noted in terms of times. Pupils should also be provided with appropriate food/drink whilst waiting.

If the police have been called, further interviewing should be left to them to carry out, as investigation of criminal activity is the responsibility of the police and not the school. If necessary, (e.g. if a situation arises late on in the day) the pupil may be detained after the end of the school day. Parents must, of course, be informed as above.

## KEEPING A RECORD

Where possible, the member of staff should have the support of a colleague for corroboration purposes.

As the suspected drugs incident may result in court proceedings, staff should keep a written record of events and contact calls (including times). This record should be made immediately after each event, or as soon as possible thereafter (see Appendix 1).

## CONTACTING PARENTS

Parents will be contacted immediately and advised that the police are about to be informed that there has been an incident in which there is a suspicion that drugs might be involved, and which may involve their son/ daughter. The time of the call should be noted (see Appendix 1). The parents will be requested to come to the school (or appropriate venue) immediately.

In general terms pupils aged 16 and over has rights that younger children do not have. In the case of those 16 and over, the pupil's consent should be sought before parents are informed.

The Age of Legal Capacity (Scotland) Act 1991 states that a person under the age of 16 has legal capacity where they have sufficient maturity and understanding, and there is a general presumption that children aged 12 and over have that capacity. This requires schools to communicate directly with the pupil if he/she has legal capacity. However, it is considered good practice to also keep parents informed and involved at every stage regardless of the age of the child. In general, there is a presumption that children over 12 have sufficient maturity and understanding to have legal capacity.



## CONTACTING POLICE

The police should be informed as quickly as possible by telephoning 101. The urgency of the situation should be stressed. The police will give advice as requested. They should be informed of the gender of the pupil(s) and their date of birth so that appropriate officers can be present. They should be asked when they are likely to arrive at the school. Police I.D. should be requested and noted when they do arrive.

## CHAIR OF BOARD OF GOVERNORS

The Chair of the Board of Governors should be informed as soon as possible, via the Rector.

## ON ARRIVAL OF POLICE

Except in very extreme circumstances, the police will not interview anyone under 16 years of age unless a responsible adult is present, nor ask to take a student away for questioning.

It should be remembered that pupils who are 16 years of age and over have different legal rights from those under 16. For example, they have a right to decide whether

their parents should be present or not in any interview with the police. Any decisions made in relation to this should be recorded at the time by the staff present.

IF PARENTS ARRIVE BEFORE THE POLICE	IF POLICE ARRIVE BEFORE THE PARENTS	
The parents should be allowed access to the pupil, with a teacher present at all times.	AND PARENTS ARE ON THEIR WAY	AND PARENTS HAVE NOT BEEN CONTACTED
	<p>The police should be asked if they would be willing to wait.</p> <p>Circumstances may dictate that the police may wish to take immediate action.</p> <p>A teacher must be present.</p>	<p>The police should be asked if they would be willing to wait.</p> <p>The police may wish to take immediate action.</p> <p>Every attempt should be made to have the parents present, but failing this, a teacher must be present.</p>

The police may arrive at school first and wish to take the pupil away for questioning. In these circumstances staff are advised to attempt to dissuade the police from doing so until parents arrive/can be contacted. If this is unsuccessful, the pupil must be accompanied by a member of staff.

If parents are not available, the Rector, the Senior Depute Rector or any Depute Rector should be in attendance if the police wish to interview the pupil.

If the police require to search the pupil on the premises, the search must be carried out in the presence of the appropriate parent and/or member of staff.



## CONSIDERING A POSSIBLE EXCLUSION

The school will judge each case on its merits. If the decision to suspend or exclude is taken, this action should be immediately communicated to the parents and put in writing. There is no need, at this stage, to indicate the form of exclusion if, for example, the Rector requires further time to complete enquiries.

The initial letter of exclusion should be followed, as soon as possible, by a further letter indicating the form of the exclusion.

## SUPPORT FOR PARENTS

In most cases, such an incident is traumatic for the whole family, and they will be very likely to need support. The appropriate school staff should aim to be helpful in directing the family to relevant support agencies, or in providing direct help to the family.

## INFORMING OTHER PEOPLE

### **School Staff**

Where relevant, the following staff of the school should be informed of the name of any pupil involved:

- The Senior Leadership Team
- Matron
- In the primary, the class teacher
- In the secondary, the pupil's House Staff

All staff who teach the pupil should be informed that he/she has been excluded, but no reasons should be given. School staff may need to be given

### **Parents**

It is not advisable to write to all parents in response to a specific incident. However, there may be instances in which the Rector decides to write a letter to parents explaining:

- that a substance misuse-related incident has happened in the school.
- that the problem of substance misuse is a universal problem.
- that the school policy, with which parents are familiar, has in this instance been carried out.

The pupils involved must not be named.

### **Reporter to the Children's Panel**

Where the school has sufficient concern, contact should be made with the Reporter for appropriate advice. This may be done by SLT or pastoral staff.

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## APPENDIX 1

### DRUGS AND THE LAW

In school, there will be occasions where the implications of the law relating to substance misuse will be relevant.

This section cannot cover all the statutes, but it may help to resolve everyday situations and questions that may arise.

#### 1. LEGISLATION

The relevant acts are:-

- The Medicines Act 1968 and 1971
- The Poisons Act 1972
- Drug Trafficking Offences Act 1966
- Misuse of Drugs Act 1971

The Drug Trafficking Offences Act, the Misuse of Drugs Act and Customs and Excise Management Act 1979 are the main pieces of legislation covering what may be termed illegal drugs. They also cover drugs which may be used legally, but are commonly abused. The legislation classifies drugs by balancing their therapeutic use against their role in abuse and addiction, and then specifies offences common to the different classes of drugs.

The chart below gives the main offences and maximum penalties on indictment.

	CLASS A DRUGS (e.g. LSD, cocaine, heroin)	CLASS B DRUGS (e.g. amphetamines, barbiturates, cannabis)	CLASS C DRUGS (e.g. benzodiazepines)
Possession	7 years prison and unlimited fine	5 years prison and unlimited fine	2 years imprisonment and fine
Supply	life imprisonment and unlimited fine	14 years imprisonment and unlimited fine	14 years imprisonment and unlimited fine
Production	life imprisonment and unlimited fine	14 years imprisonment and unlimited fine	14 years imprisonment and unlimited fine

#### **In Reality Penalties Vary**

It should be noted that these are the maximum penalties which would be applied in an adult court. The Children's Hearing System will deal with each case individually and make appropriate decisions with regard to the age of the individual, their involvement and the severity of a particular offence.

The actual offences are listed below in more detail.

#### **Unlawful Possession**



It is an offence to unlawfully possess a controlled drug. This includes anything subject to a person's control which may be in the custody of another. To have "control" it has to be shown that the person is in possession and did know it was under his/her control or has wilfully shut his/her eyes to the obvious.

### **Possession with Intent to Supply**

It is a more serious offence to unlawfully possess a controlled drug with the intent to supply it to another.

### **Unlawful Production**

It is an offence to unlawfully produce or be concerned in the production of (by manufacture, cultivation or any other method) any controlled drug.

### **Unlawful Supply**

It is an offence to:

- unlawfully supply a controlled drug to another.
- be concerned in the supply of a controlled drug.
- offer to supply a controlled drug.
- be concerned in the making of an offer to supply a controlled drug.

"Supply" includes distribution.

To prove the offence of unlawful supply it must be proved that it was a controlled drug. Mere belief that it was is not sufficient.

### **Offer to Supply**

Once the offer is made, the offence is complete. It is not necessary to prove that the substance is a controlled drug, or that the person had the controlled drug in his possession at that time.

### **Being Concerned in the Supply**

"Concerned" is taken in its widest sense – being involved in any way, for example, as a look-out driver.

### **Controlled Drugs on Premises**

It is an offence for the occupier or any person concerned in the management of any premises to knowingly permit or suffer:

- production or attempted production of a controlled drug.
- unlawful supply or attempt to supply or offer to supply a controlled drug.
- preparation of opium for smoking.
- the smoking of cannabis, cannabis resin or prepared opium.

### **Tobacco**

Police officers in uniform and parkkeepers have a duty to confiscate cigarettes from people under 18 when they see them smoking in a street or any public place.



## 2. GENERAL ADVICE

Suspicion of a drug abuse should be acted upon positively: knowledge of drug offences may make a person liable to prosecution for serious offences if she/he does not act on such information.

## 3. SUBSTANCES OTHER THAN CONTROLLED DRUGS

The chart below gives details of what does and does not constitute an offence.

Substance other than controlled drug	POSSESSION	SUPPLY	KNOWLEDGE OF USE	KNOWLEDGE OF SUPPLY
Tobacco	No	Yes, if sold to under 18s	No	No
Alcohol	No	Yes, if sold to under 18s, unless with a meal	No	No
Solvents	No	Yes, if supplied for abuse	No	No
Prescribed drugs; tranquillisers	No	Yes, if Class C	No	No





## APPENDIX 2

### VOLATILE SUBSTANCES

A wide variety of products can be used. It is not possible to give a comprehensive list as fashions of use and brand names change. New products come onto the market and packaging changes. The three groupings that follow provide a basic framework.

#### **1. PRESSURISED GASES**

Most aerosols and all containers of liquefied petroleum gas (gas lighter fuel in particular but also gas canisters for picnic stoves) that can be misused will carry warnings such as 'Flammable' 'Do not puncture or incinerate' 'Do not use near fire or flame' or will have a 'flammable' icon visible. Examples of icons can be found at the end of this appendix.

#### **2. HIGHLY FLAMMABLE LIQUIDS**

These products are usually in the form of liquids in metal containers or bottles. They will usually bear the words 'Highly Flammable' (or the older wording 'Highly Inflammable') and by UK law must display a black 'Flame' symbol on an orange square. The outer case of multiple retail packs can also have a diamond outline with the same symbol inside. Examples of icons can be found at the end of this appendix.

#### **3. NON-FLAMMABLE SUBSTANCES**

These include adhesives, cleaning fluids, non-flammable paints and fire extinguishers. The following chemical ingredients are noted on them.

- Trichloroethane
- Methylene Chloride
- Dichloromethane
- Methylene Dichloride
- Bromochlorodfluoromethane BFC (Halon)

In many cases the packaging will be marked 'Harmful' and/or display a black cross on an orange square background (please see the end of this Appendix). Outer cartons of multiple packs may be marked 'Harmful, keep away from foodstuffs'. It should be stressed that not all products that display these signs can be misused but if the circumstances are suspicious they are worth investigation.

The following products are known to have been used:

- Butane Gas
- Lighter Fuel
- Calor Gas
- Petrol
- Halon (BCF) Fire Extinguishers
- Aerosols
- Solvent Based Adhesives
- Solvents



#### 4. SIGNS AND SYMPTOMS

Common signs and symptoms that suggest a young person may be using volatile substances can include:

- unexplained empty and discarded aerosol and lighter gas containers.
- aerosol cans becoming empty quicker than expected.
- unexplained discarded plastic bags.
- an increased demand for crisps (for the bags) or the disappearance of freezer bags from the kitchen.
- the smell of glue on the breath.
- possession of volatile substances not being used for intended purposes.
- disappearance of volatile substances from the home, garage, or garden shed.
- the young person acting as if intoxicated without evidence of alcohol use
- the young person may imagine they can see, hear, or smell things which are not real.
- unexplained moods, loss of appetite and sleeplessness.
- the presence of rashes or spots around the nose and mouth - (note this may well be acne).
- burns resulting from lighting butane gas or inhaling heated solvents (rare).
- performance decline or general disinterest in school work.
- Unexplained/unusual “bulking up” in males

#### Icons

##### Flammable



##### Harmful

