

SUBSTANCE MISUSE INTERVENTIONS AND SCHOOL GUIDANCE

DETACHED WORK,

Currently the DAT have two part time detached drugs workers working in three areas Brownhills School, Darlaston community school and Joseph Leckie community school, (BIP schools) this work is currently in its mapping stage Jan-March 05 with the intention that this programme of work will become full time April 05 – March 06

DARLASTON COMMUNITY SCHOOL SUPPORT WORKER

The DAT is currently part funding a support worker at Darlaston who is based partly in the schools pupil support unit and partly at Rhythm room which is offering a programme of Alternative curriculum for pupils from across the borough.

PELSELL DROP IN

This drop in operates very Tuesday 11am- 2pm at Pellsell youth club with the DAT Poppies, DEAL ,NACRO and Manor farm community association working in partnership to deliver the service offering information support and Auricular Acupuncture to Parents carer and users.

PARENTS SUPPORT GROUPS

Three parental support group are funded by the DAT, Poppies, Badas and escape in addition the DAT funds Drugs concern to support these groups

TRAINING PROGRAMME

Although the programme below is last years, the programme will be the same for next year starting May 05 we are just in the process of confirming dates. The aim of the programme is to support and train all those working with and caring for young people.

WALSALL DAT COMMUNITY TRAINING PROGRAMME 2004/05 PLANNING GRID

July	Course Name	Trainer	Venue	Date confirmed + by whom
13/07/04	Basic Drug Awareness	Scott Henery	Beechdale	Marilyn

			Community Centre 9.00 am – 12.30 pm	24/05/04
16/07/04	Reducing Overdose Deaths	HiT	Small Street Centre Time - 9.00 am – 5.00pm	Malcolm Jones 24/05/04
26/07/04	Basic Alcohol Awareness	Aquarius	The Bethal Lighthouse 1.00 pm – 5.00 pm	Chris Fry 25/05/04
August				
12/08/04	Basic Drug Awareness	Roy	Willenhall Community and Youth Foundation Time – 9.00 am – 12.30 pm	Kerrie 24/05/04
September				
08+09/09/04	Implementing models of care	HiT	Moxley People’s Centre 9.00 am – 5.00 pm both days	Cal 24/05/04
21+22/09/04	Drugs Awareness	HiT	Pelsall Community Association 9.00 am – 5.00 pm both days	Pauline 24/05/04
30/09/04	Parental Drug Use and Child Care	HiT	The Bethal Lighthouse 1.00 pm – 5.00 pm	Chris Fry 25/05/04
October				
04/10/04	Basic Drugs Awareness	Scott Henery	Goscote Resource Centre 9.30 – 1.00 pm	Elaine Rowbotham
12/10/04	Course to deliver Drugs Awareness Training	HiT	Bentley Leisure Pavilion 9.00 -5.00	Christine 25/05/04
19/10/04	Needle Exchange	HiT	Pelsall EDC 9.00 am – 5.00pm	Elaine wooley

				25/04/05
November				
04/11/04	Booting the Dragon	HiT	Small Street Centre Time - 9.00 am – 5.00pm	Malcolm Jones 24/05/04
19/11/04	Crack Cocaine	HiT	Pelsall Community Association	Pauline 24/05/04
26/11/04	Basic Drug Awareness	Roy	United Muslims Organisation 19 wednesbury road ws 1 3ru entrance through Mount street Time 1.00pm – 5.00pm	Mohammed Gora 26/o5/04
December				
02/12/04	Parental Drug Use and Childcare	HiT	Moxley People's Centre 9.00 am – 5.00 pm	Cal 24/05/04
06/12/04	Basic Alcohol Awareness	Aquarius	Beechdale Community Centre 1.00 pm – 5.00 pm	Marilyn 24/05/04
January				
10/01/05	Basic Drugs Awareness	Scott Henery	Palfrey Access Centre 1.00 – 4.30 pm	Jiba 25/05/04
11+12/01/05	Implementing models of care	HiT	Walsall Leather Museum 9.00 am – 5.00 pm Both Days	Jane 25/05/04
February				
15/02/05	Drugs and Mental Health	HiT	Goscote Recourse Centre 9.00 am – 5.00 pm	Elaine Rowbotham 25/05/04
March				

1+2/03/05	Safer Injecting	HiT	Bentley Leisure Pavilion	Fiona 26/05/04
17/03/05	Basic Drugs Awareness	Roy	Willenhall Community and Youth Foundation Time – 9.00 am – 12.30 pm	Kerrie 24/05/04

SCHOOLS POLICY

The programme in appendix one is a comprehensive drugs policy for schools designed by the DAT which incorporate all the guidance from the Home office and all relevant departments

JUNCTION PROJECT

Community based service for people living in Walsall. All of the individual sessions with young people provided in community settings. Referrals taken from young people, parents/carers, relatives or other professionals.

Providing advice, information, education, assessment, counselling support and links to medical interventions for young people with concerns about drug and alcohol use.

SCHOOLS DRUG AND ALCOHOL WORKSHOPS

The DAT offers basic drugs and Alcohol awareness workshops to all schools in the borough

WALKWAYS COUNSELLING SERVICE

The DAT part funds the counselling service at Walkways which offers generic and specialist counselling to young people.

PEER LED PROGRAMME

Building on the successes of last years programme which was designed and delivered in partnership with Walsall Youth service next year there will be a further two peer educator residential training young people from across the boroughs youth clubs to be peer educators thirty young people will take part in each residential.

DIVERSIONARY PROGRAMMES

POSITIVE FUTURES

Positive futures is a national sports based programme due to its funding restrictions in Walsall it could only operate in SRB5 areas with additional funding from the DAT in can now operate across the whole of Walsall

STREET TEAMS

Street teams offer DJ workshops to group of young combined with a drugs information/ education sessions exploring the link between drugs and music

APPENDIX ONE



DARLASTON COMMUNITY SCHOOL

DRUGS POLICY



POLICY STATEMENT

Drug Education and Incident Management Policy

Rationale and Definition

The school believes that the possession and use of drugs in school or during the school day is inappropriate. All the drugs covered in this policy are not permitted to be bought, sold, or otherwise obtained on school premises or during the school day, including when students are on school visits. These rules apply to adults working at and for the school. Exceptions may be made for students & adults who need to take prescribed medicines where appropriate, tobacco for adults and alcohol for adults during social occasions when students are off the premises.

Drugs are those that are legal, such as alcohol, tobacco and solvents, over the counter and prescribed drugs and illegal drugs such as cannabis, ecstasy, heroin, crack/cocaine and LSD. A drug is a substance that when taken into the body will bring about a psychological or physical change.

It is therefore important that we work together to ensure that we have clear guidelines for drug education and clear procedures for responding to drug related incidents. Sanctions for incidents will be consistent with the school's Behavior policy.

Purpose

- To acknowledge and clarify the school's role in drug prevention and drug education and ensure it is appropriate to students' needs.
- To provide information about procedures in response to any drug-related incident.
- To provide guidance to teachers, support staff and outside visitors.

Guidelines

Drugs Education

The school provides a planned drug education curriculum as part of PSE that reflects knowledge and understanding, attitudes and personal and social skills. The school also fulfils its statutory

commitment to drug education, including tobacco and alcohol as well as illegal drugs, as a part of National Curriculum Science.

Drugs education will:

- enable students to make healthy, informed choices by increasing knowledge, exploring their own and other people's attitudes and developing and practising skills
- promote positive attitudes towards healthy lifestyles
- provide accurate information about substances
- increase understanding about the implications and possible consequences of use and misuse
- encourage an understanding for those experiencing or likely to experience substance use
- widen understanding about related health and social issues, e.g. sex and sexuality, crime, HIV and AIDS
- seek to minimise the risks that users and potential users face
- Enable young people to identify sources of appropriate personal support.

On the whole PSE and Science teachers teach drug education, but where appropriate, outside visitors may contribute and will be aware of the school drug policy. If outside agencies are used session plans should be given to the school for approval at least one week before delivery to ensure that delivery does not conflict with school policy and where appropriate agents and session plans should be approved by Walsall drug action team.

Teachers have access to on-going support and training as part of their own professional development and teaching materials are reviewed for quality and relevance.

The school actively co-operates with other agencies such as community police, social services, the LEA, health, local authority and drug agencies to deliver its commitment to drugs education.

Management of Drug Related Incidents

Any member of staff who suspects or has caught students involved in substance misuse must immediately inform the Head of Site (substance coordinator in the first instance, who will then investigate the incident and inform their line manager or Head teacher.

When reporting an incident accuracy of language and confidentiality are essential. A clear written account of who was present (adults and students), what was seen and any words used, and why the member of staff is concerned should be provided and details of any action taken, (see appendix one). Value judgments and interpretation, and wider discussion are not appropriate at this stage.

Where there is clear evidence involving substance misuse or supply on the premises, and following discussion between staff members who know students well, following discussion with line manager parents may be informed by the Head teacher (or delegated senior member of staff). So the school and parents can then work together to support the young person/s involved.

If a young person admits to using or supplying substances off the premises, the teacher's must inform there line manager who will decide if, when and how to inform the parents.

There is no legal obligation to inform the police, though they may be able to give relevant support and advice. However, a school cannot knowingly allow its premises to be used for the production or supply of any controlled drug, or the preparation or smoking of cannabis or opium. Where it is suspected that substances are continuing to be sold on the premises, details regarding those involved, as well as much information as possible, will be passed to the Police Liaison Officer.

The school will consider each substance incident individually and recognize that a variety of responses will be necessary to deal with incidents. The school will consider very carefully the implications of any action it may take. Teachers should balance the interests of the student involved, the other school members and the local community. Permanent exclusion may be warranted as a final sanction when all other reasonable steps have been taken.

The Head teacher will take responsibility for liaison with the media, where required. As the issue of substance misuse is an emotive one, and is likely to generate interest from the local and national media, the school will take appropriate advice and guidance from the LEA press office and legal department to ensure that any reporting of incidents remains in the best interests of the young people, their families and the school.

Duty of School

The Head teacher takes overall responsibility for the policy and its implementation, for liaison with the Governing Body, parents, LEA and appropriate outside agencies and will have general responsibility for handling the daily implementation of this policy. The Head teacher will ensure that all staff dealing with substance issues are adequately supported and trained.

Review

The Governing Body will review this policy annually and assess its implementation and effectiveness. The policy will be promoted and implemented throughout the school.

WHAT TO DO

A: EMERGENCY

Where a young person has lost consciousness as a result of drugs use or has gone into coma through overdosing.

ACTION

1. Summon/call staff with first aid qualifications through the main office.
2. Ask office to telephone 999 for an ambulance
3. Do not panic or leave the person alone.
4. Place the person in the recovery position
5. The Head of site will telephone the parent/carer
6. The person's friends should be questioned to determine which substance has been used. Evidence, e.g. tablets, bottles, syringes etc. should be gathered (samples of vomited material may also be needed)
7. Report the incident to line manager who will inform the Head teacher.

INTOXICATION

Where a young person is intoxicated but conscious.

ACTION

1. It is difficult to talk to a person who is intoxicated or 'high' and therefore it is important to keep them under observation
2. Sit him/her in a quiet room or area
3. Ensure another member of staff is with you as the young person's behaviour may be unpredictable
4. Ensure good ventilation
5. Help calm her/him down if s/he is distressed
6. First aid should be administered by a qualified person, if necessary
7. The line manager or head teacher will contact parents/carers, where there is a professional duty to do so (see below)

LEGAL CONSIDERATIONS

1. Schools have 'in loco parents' responsibilities to individual students and the whole school community.
2. The educational establishment should consider if the young person is at risk of significant harm and if there are any Child Protection Issues. If there are, the advice of the Education Social Work Service should be sought.

PASTORAL CONSIDERATIONS

1. The Head teacher or delegated senior member of staff will decide if, when and how the parents/carers are to be informed.
2. The Head teacher will decide on its response and taking account of the circumstances, decide if a disciplinary and/or counselling approach is required.

B: DISCOVERY/OBSERVATION

Where a young person is discovered to be using or holding a substance that is not permitted on the educational premises or is thought to be illegal.

ACTION

1. The young person should be approached and the substance(s) confiscated and stored securely. The Head teacher must be informed immediately who will then handle the incident.
2. Checks should be made to establish whether the young person is legally entitled to be in a possession of this drug/substance.
3. Those involved should be questioned and if there is any doubt about the authenticity of the drug/substance obtained, police should be contacted for advice.

LEGAL CONSIDERATIONS

1. It is illegal for staff to search young people.

Staff do not have the right to search a young person unless his/her consent has been given. If consent is denied and the young person is then searched, charges of assault may be brought against the staff involved. Teachers do not have the authority to search your bags or pockets. Permission sought to search bags and pockets; if permission is granted the search should be done as follows:

. It should be done in privacy - away from other pupils;

. It should be done by a teacher of the same sex as the pupil, and there should be a witness present: another teacher, a school nurse or a parent or carer. This is for the safety of the pupil and to protect teachers

School desks and lockers are school property and so they can be searched with or without the permission of a pupil.

Even if a staff member is sure that a young person is in possession of drugs, if consent to a search is denied, then legally there is nothing that can be done. Staff could give the young person a choice of two options at this point: to surrender the

substance to a member of staff or to surrender it to the police. In a majority of cases, the young person will choose the former option.

2. The police can be called to remove a suspected illicit substance or it can be destroyed. This is permitted under the Misuse of Drugs Act 1971, whether the police are called out or not. It is important to have a senior colleague present to act as a witness to the destruction of the substance. In the event of a young person contesting an accusation of possession or supply then they are legally entitled to seek redress through the courts.

3.

RIGHT to have an **APPROPRIATE ADULT** present.

An **APPROPRIATE ADULT** is an adult who is not working with or for the police who can help to ensure that the young person is treated fairly. This could be your parent or your guardian, or, if he or she are looked after by a Local Authority, someone from the Local

Authority or voluntary organization responsible.

PASTORAL CONSIDERATIONS

1. The Head teacher will decide if, when and how parents/carers are to be informed.

2. The Head teacher should consider what sanctions, if any, will be imposed on the young person.

3. The Head teacher in consultation with staff involved should consider if the young person needs assessment to see if it is a one off incident or if there is a continuing problem.

4. The school should consider if there are young person/family welfare or child protection issues and if the ESW service need to be consulted.

C: DISCLOSURE

Where a young person discloses to a member of staff that he/she has been using drugs.

1. Never promise confidentiality to a young person. The member of staff should bear in mind the likely desire of a young person for total confidentiality and should react positively to this expression of trust. It is important that you remind the young person of the limits of your confidentiality as soon as possible in this situation.

2. Staff and young persons should be clear on procedures re: confidentiality and how disclosure of drugs use fits in with these procedures. The paramount concern should be for the young person's welfare and the likely effects of passing on the information disclosed must be carefully assessed.

3. Where a young person discloses that parents, carers, relatives, friends are misusing/selling drugs, alcohol, solvents, the member of staff should consider who should be informed and how the young person will be supported.

4. As a matter of professionalism staff are strongly encouraged to inform the Head of Site.

LEGAL CONSIDERATIONS

There is no legal obligation to inform the police, but informal advice might be useful. You should discuss with your local police contact in advance how they can support your educational establishment or club.

PASTORAL CONSIDERATIONS

1. The Head teacher will decide whether to inform parents/carers.

2. The Head teacher in consultation with the staff team should consider if there are any young person/family welfare or child protection issues and if the ESW service needs to be consulted.

3. The Head teacher in consultation with the staff team should consider if there is a need for support from external agencies.

D. SUSPICION/RUMOUR

Where rumours of drugs use are spreading in the educational establishment

ACTION

1. Staff should be wary about acting on the suspicion of basis of rumours of drugs within the educational establishment. If there is a suspicion, evidence should be collected over a period of time before a decision is made to confront a young person or a group about concern over drug use. The line manager must be informed and staff should not add to the spread of the rumour.

2. It is also dangerous to believe that the drug user can be spotted from physical or behavioural signs. Many physical and behavioural changes may have more to do with adolescents than with substance use.

3. Staff need to be clear when and how information is recorded. For example, young persons' statements should contain factual or confirmed information. When recording incidents, staff should bear in mind the possible effects this information will have on the young person.

4. As for rumours of criminal activity outside premises, the DfEE Circular states: "Where a teacher is told, or aware, of possible criminal activity outside school premises, the Secretary of State would also expect the police to be informed in the interests of safeguarding the health and safety of young people in the area. They would include not only information about the supply of illegal drugs but also, for example, evidence that a local shopkeeper was selling alcohol or solvents to pupils in contravention of the law".

Schools are not, however, obliged in law to take any action in the following circumstances:

- Being told that a young person has used an illegal drug.
- Observing use or possession of illegal drugs outside the establishment.

E. DRUGS/ALCOHOL/SOLVENTS ARE DISCOVERED ON EDUCATION PREMISES

LEGAL CONSIDERATIONS

1. If drugs, alcohol or solvents are found on the school site, take possession and pass onto to the line manager to store securely. The Head teacher must be informed.
2. To Identify the substance. Seek police advice for analysis/disposal if required. Staff can dispose of the substance by, for example, placing in a bin, incinerating or flushing away. This prevents the continuation of the offence of possession by the young person. This is a legally permissible course of action and the police need not be informed. It is **important that such an action is witnessed by another member of staff**. It is also advisable that a report should be made and signed by both staff members.
3. It is illegal to knowingly allow premises to be used for the consumption of prohibited substances.
4. It is illegal to search young persons.

PASTORAL CONSIDERATIONS

1. Ensure the line manager is informed who will inform the Head teacher.
2. The Head teacher in consultation with the senior staff should consider discussing in class or other groupings.
3. The Head teacher will decide whether to inform parents/carers.

F. AVAILABILITY OF DRUGS/ALCOHOL/SOLVENTS IN THE VICINITY OF THE EDUCATION PREMISES

LEGAL CONSIDERATIONS

1. There is no legal obligation to do so, but The Head teacher in consultation with the Head of Site may wish to seek police advice.

APPENDIX ONE

Record of a Drug Related Incident

Type of Incident:

Name of young person:

Completed by:

Date of incident:

Time of incident:

Initial assessment

Call staff with first aid qualification
(insert name)

.....

First aid given

Ensure the airway is open and clear. Recovery position if unconscious. Do not leave young person alone.

Ambulance called by

.....at.....(time)

Be ready to state - location of incident, brief description of symptoms, where ambulance will be met and by whom
- retain substance, if possible, for assessment

Parents sensitively informed

by.....at.....(time)

Designated staff involved (insert name)

.....

Any agencies to be informed –

Social Services

- Police

- Other agencies?

Counselling support offered:

Disciplinary procedures taken:

Information to rest of school / media:

Monitor and evaluate incident:

Quick reference

- Don't panic

- Ensure airway is clear
- Make sure they have fresh air
- Put in recovery position if necessary
- Do not leave alone
- Ring for ambulance or doctor
- Sensitively inform parents
- Retain substance should it need to be analysed
- Record incident

Further details:

APPENDIX TWO

Summary of relevant laws

- The laws and offences relating to controlled drugs
- Changes to the law on cannabis
- The Youth Justice System
- The Medicines Act
- Tobacco laws
- Alcohol laws
- Laws relating to volatile substances
- The Road Traffic Act
- Responsibility for children.

The laws relating to controlled drugs

* The above table refers to some commonly available drugs; it is not a complete list of controlled drugs.

** It is not illegal to possess or eat magic mushrooms in their raw state, but it is an offence to process them, dry them, store them or use them in tea.

Drugs: Guidance for schools Appendix 3 98

The Misuse of Drugs Act 1971 (amended in January 2004)

Class A Class B Class C

Principal Opium Amphetamines Cannabis resin

drugs Heroin/methadone Barbiturates Cannabis herb

*included** Cocaine/Crack cocaine Codeine Anabolic steroids

LSD Ritalin Benzodiazepines

Ecstasy (minor tranquillizers

Magic mushrooms e.g. temazepam)

(processed)** GHB (gamma-hydroxy

Class B drugs butyrate)

prepared for injection Some stimulant, anti-depressant and antiobesity medicines

Maximum 7 years and/or a fine 5 years and/or a fine 2 years and/or a fine

penalty for possession

Maximum Life imprisonment 14 years and/or a fine 14 years and/or a fine

penalty for and a fine

trafficking,

supply or

production

Offences under the Misuse of Drugs Act

- Possession – where a person knowingly has custody or control of a controlled drug.

- Possession with intent to supply another person a controlled drug –

where a person knowingly has custody or control of a controlled drug

and intends to supply to others whether for payment or not. This would

include packaging a drug in a way that indicates it is going to be supplied to others and where a person is 'looking after' drugs and returns them (or intends to return them) to another person. They can

be charged with supply or intent to supply.

- Supplying another person a controlled drug – giving or selling drugs to

someone else, including friends. The law does not differentiate between supplying/giving drugs to friends and supplying for profit.

Offences are considered on an individual case basis and the police may be very unlikely to charge someone with supply when passing a

cannabis joint for smoking amongst friends. However, if charged courts may be likely to consider a lower sentence for supply to friends

compared to supply for profit.

- Supplying drug paraphernalia – this should only be provided by an

authorised person or agency and includes all equipment to enable the

Use of a controlled drug in any form with the exception of matches and a tourniquet.

- Production, cultivation or manufacture of controlled drugs – for young people, this would most commonly be growing cannabis plants.
- Allowing premises you occupy or manage to be used for the supply, production or cultivation of a controlled drug. Also, to allow premises to be used for the smoking of cannabis or opium and the preparation of opium.

It is not illegal for someone to be in possession of a controlled drug if it is found, it is given, or if it is confiscated, and it is not for that person's own use but to prevent a crime being committed. They should hold it for as short a time as possible

Changes to the law on cannabis

Cannabis (resin and herb) has been reclassified from a Class B to a

Class C drug (with effect from 29 January 2004). Cannabis remains an

illegal drug with penalties for supply and possession. A consequence of this reclassification for adults will be that the use of the retained power of arrest may not be used in all circumstances of cannabis possession.

Each case will be judged on its own merit. However, youth offenders will continue to be dealt with through the Crime and Disorder Act, which requires offenders to be dealt with at the police station. In practice, this means that persons aged 17 years or under who are in possession of cannabis for personal use will be arrested. They will then be dealt with through the Youth Justice System (see below) with options of a reprimand, final warning, and then a charge.

The Youth Justice System

In normal circumstances, when a young person (under age 18) has

committed a first offence he/she will be given a reprimand. For second offences he/she will be given a final warning. For subsequent offences the young person will usually be prosecuted. A further, and definitely final, warning can only be issued in exceptional circumstances. For serious cases a young person can receive a final warning or be prosecuted for a first offence. In all cases the young person will be referred to the local Youth Offending Team (Yot), consisting of representatives from

probation, education, social services, the health service and the police.

When a young person receives a reprimand or final warning this will be kept on the Police National Computer for five years or until the offender's eighteenth birthday, whichever is the longer, from the date given.

Reprimands and warnings do not constitute a criminal record but may

still have to be declared on overseas visa applications, some job applications and motor insurance. If a young person is prosecuted and subsequently convicted this constitutes a criminal record. The length of time in which some criminal convictions can be considered 'spent', and no longer need to be declared, will vary depending on the charge and sentence as outlined in the Rehabilitation of Offenders Act 1974.

The Medicines Act 1968

The Medicines Act divides medicines into three categories:

- *restricted medicines or prescription-only medicines*, which can only

be supplied from a registered pharmacy by or under the supervision of a pharmacist on receipt of a prescription from an appropriate practitioner.

An appropriate practitioner is a doctor, dentist, independent nurse Prescribe (within the scope of their prescribing practice) or a supplementary prescriber (who can be nurses or pharmacists prescribing within the terms of a clinical management plan for a specific patient)

- *pharmacy medicines*, which can be sold without a prescription but

only by a pharmacist (also called *over-the-counter* medicines)

- *general sales medicines*, which can be sold without a prescription by any shop.

Possession of some prescription-only medicines, such as Temazepam

and Ritalin, is illegal under the Misuse of Drugs Act if no prescription is held.

Tobacco laws

Under section 7 of the Children and Young Persons Act 1933 (as amended by the Children and Young Persons (Protection from Tobacco)

Act 1991) it is an offence for a vendor to sell tobacco products to anyone under the age of 16. This offence currently carries a maximum

fine of £2500. Children under age 16 who purchase tobacco products are not themselves committing an offence. However, police have the power to confiscate tobacco products from under-16s who are found smoking in a public place.

Alcohol laws

It is an offence under the Children and Young Persons Act 1933 to give alcohol to any child under the age of 5, except in a medical emergency.

Children over 5 can legally consume alcohol in a private environment, although police have powers to confiscate alcohol from under-18s who are drinking in a public place. At present, at the discretion of the license holder, children of any age may enter premises licensed for the sale of alcohol for consumption on those premises, like a public house, but only children aged over 14 or over may enter the bar area whether they are accompanied by an adult or not. It is illegal for the staff of licensed premises to knowingly sell alcohol to anyone under the age of 18 or allow them to consume alcohol in the bar area of their premises. It is also an offence for a child to buy or attempt to buy alcohol on licensed premises. It is illegal for an adult to purchase alcohol on behalf of a person under 18. However, an exception allows young people aged 16 and 17 accompanied by an adult to consume beer, porter, and cider with a meal on licensed premises.

'Drugs' refers to **all drugs** including **medicines, volatile substances, alcohol, tobacco** and **illegal drugs**

At present it is lawful for children over the age of 4 to purchase or be

supplied with alcohol in registered members clubs (such as ex-services, working men's and sports clubs).

Changes to the law on alcohol as set out in the Licensing Act 2003 are unlikely to be brought into force before May 2005. Details of the current status of these provisions can be obtained from www.culture.gov.uk

Laws relating to volatile substances In England and Wales it is an offence to sell solvent products to any person under 18 if the retailer has reason to suspect that the substances will be misused. Butane product sales, such as lighter refills, are further restricted under the Cigarette Lighter Refill (Safety) Regulations 1999, in recognition of the high number of

butane-related deaths. The regulations make it an offence to sell them to people under the age of 18 years, in any circumstances. The penalty is up to 6 months' imprisonment or a £5000 fine.

The Road Traffic Act 1988

It is an offence to be in charge of a motor vehicle while 'unfit to drive

through drink or drugs'. This includes alcohol, illegal drugs, prescribed

medicines and solvents. The legal limit for alcohol levels in the blood

while driving is 80 mg of alcohol per 100 ml of blood.

Responsibility for children

School staff have a legal duty of care towards pupils in their care.

This is interpreted in case law as the duty to act as a careful parent would. If a member of staff causes injury or loss to a pupil by

failing to carry out his or her responsibilities in a reasonable and careful way, that staff member could be held liable in negligence to

the young person. This duty of care is interpreted as a duty to

exercise adequate supervision, which will depend on the maturity and age of the pupils involved, whether they are affected by a

disability, and the precise circumstances. Supervision could mean giving adequate advice and instructions rather than constantly

watching a pupil, although some activities, for example while on school trips, may require greater supervision

ref, drugs guidance for schools p98-102

APPENDIX THREE
LOCAL ORGANISATIONS

APPENDIX FOUR

National organizations

ADFAM

Adfam offers information to families of drug and alcohol users, and the

website has a database of local family support services.

Waterbridge House, 32-36 Loman Street, London SE1 0EE

Tel: 020 7928 8898 Email: admin@adfam.org.uk

Website: www.adfam.org.uk

Alcohol Concern

Works to reduce the incidence and costs of alcohol-related harm and to

increase the range and quality of services available to people with alcohol-related problems.

Waterbridge House, 32-36 Loman Street, London SE1 0EE

Tel: 020 7928 7377. Email: contact@alcoholconcern.org.uk

Website: www.alcoholconcern.org.uk

Alcohol Education Resource Directory

Directory of resources and contacts for teaching about alcohol, funded

by the Portman Group (an organisation funded by the UK's leading drinks producers).

Tel: 020 7907 3700 Email: info@portmangroup.org.uk

Website: www.portmangroup.org.uk
ASH (Action on Smoking and Health)
A campaigning public health charity aiming to reduce the health problems caused by tobacco.
102-108 Clifton Street, London EC2A 4HW Tel: 020 7739 5902
Email: enquiries@ash.org.uk Website: www.ash.org.uk

Children's Legal Centre
The Centre operates a free and confidential legal advice and information service covering all aspects of law and policy affecting children and young people.

University of Essex, Wivenhoe Park, Colchester, Essex CO4 3SQ
Tel: 01206 873820 Email: clc@essex.ac.uk
Website: www.childrenslegalcentre.com

Children's Rights Alliance for England
A charity working to improve the lives and status of all children in England through the fullest implementation of the UN Convention on the Rights of the Child.

94 White Lion Street, London N1 9PF Tel: 020 7278 8222
Email: info@crights.org.uk Website: www.crights.org.uk

Drinkline
A free and confidential helpline for anyone who is concerned about their own or someone else's drinking.

Tel: 0800 917 8282
(lines are open between 9 am and 11 pm on Tuesdays to Thursdays and from 9 am on Friday mornings to 11 pm on Monday evenings)

Drug Concern
This organization provides a helpline, support groups and training for parents and carers concerned about their child's drug use.

Tel: 0845 120 3745
Drug Education Forum (DEF)
A forum of national organizations in England which provide drug education to children and young people or offer a service to those who do.
C/o Mentor UK, 4th Floor, 74 Great Eastern Street, London EC2A 3JG

Tel: 020 7739 8494 Website: www.drugeducation.org.uk

DrugScope

DrugScope is a centre of expertise on illegal drugs, aiming to inform policy development and reduce drug-related risk. The website includes detailed drug information and access to the Information and Library Service.

DrugScope also hosts the Drug Education Practitioners Forum.
Waterbridge House, 32-36 Loman Street, London, SE1 0EE
Tel: 020 7928 1211 Email: info@drugscope.org.uk
Website: www.drugscope.org.uk

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Drug and Alcohol Education and Prevention Team

A joint initiative between DrugScope and Alcohol Concern aiming to

identify, develop and promote good practice in alcohol and drug education and prevention.

Email: ed&prev@drugscope.org.uk Tel: 020 7928 1211

FRANK (replaces the National Drugs Helpline)

FRANK is the national drugs awareness campaign aiming to raise awareness amongst young people of the risks of illegal drugs, and to

provide details of sources of information and advice. It also provides

support to parents/carers, helping to give them the skills and confidence

to communicate with their children about drugs.

24 Hour Helpline: 0800 77 66 00 Email: frank@talktofrank.com

Website: www.talktofrank.com

Schools can receive free FRANK resource materials, updates and newsletters by registering at www.drugs.gov.uk/campaign

National Association for Children of Alcoholics

NACOA provides information, advice and support to children of alcoholics through its free, confidential helpline.

Tel: 0800 358 3456 Website: www.nacoa.org.uk

National Children's Bureau

NCB promotes the interests and well-being of all children and young

people across every aspect of their lives.

8 Wakley Street, London EC1V 7QE Tel: 020 7843 6000

Website: www.ncb.org.uk

National Health Education Group

A membership group, open to professionals whose work has a primary focus of supporting health and/or drugs education with children and young people in formal and informal educational settings.

Website: www.nheg.org.uk (please see the website for regional contact details)

National Tobacco Campaign (Department of Health)

NHS Smoking Helpline: 0800 169 0 169

Website: www.givingupsmoking.co.uk

Parents Against Drug Abuse (PADA)

An organisation set up to support parents of drug users. A large percentage of helpline workers have experienced drug use within their

own families.

Tel: 08457 023 867 Website: www.btinternet.com/~padahelp/

Parentline Plus

A charity offering support and information to anyone parenting a child.

It runs a free-phone helpline and courses for parents, and develops innovative projects.

Tel: 0800 800 2222 Website: www.parentlineplus.org.uk

QUIT

An independent charity that aims to reduce tobacco-related harm by helping smokers to stop.

Tel: 0800 00 22 00 Email: info@quit.org.uk Website: www.quit.org.uk

RELEASE

Provides advice and referral on drug-related legal problems.

388 Old Street, London EC1V 9LT

Tel: 020 7729 9904 Email: info@release.org.uk

Website: www.release.org.uk

Re-Solv (Society for the Prevention of Solvent and Volatile Substance Abuse)

A national charity providing information for teachers, other professionals, parents and young people.

30A High Street, Staffordshire ST15 8AW Tel: 01785 817885

Helpline: 0808 8002345 Email: information@re-solv.org

Website: www.re-solv.org

Young people's websites

Connexions Direct

Connexions Direct can help young people with information and advice

on issues relating to health, housing, relationships with family and friends, career and learning options, money, as well as helping young

people find out about activities they can get involved in.

Connexions

Direct advisers can be contacted by phone, email, text or webchat

www.connexions-direct.com Telephone 080 800 13219

APPENDIX FIVE

Guidance on the use of sniffer dogs and drug testing in schools

Headteachers are within their rights to invite the police or private companies to bring sniffer dogs onto school premises or employ drug

testing. They should, however, involve local partners, including the police

and consider the factors outlined below.

Involvement of sniffer dogs at the request of the headteacher

Where a school believes that there is reasonable evidence of possession or supply of suspected illegal drugs they should consult their

local police. The advice from ACPO is that local police, if they are to

respond with the use of sniffer dogs, should do so as part of a warrantled

operation, unless evidence may be lost by delaying the search.

However, schools considering sniffer dog searches without the authority of a police warrant should exercise extreme caution before

doing so. They should consider very carefully whether such action:

- is consistent with the pastoral responsibility of the school to create a

- supportive environment

- is culturally insensitive – for example, dogs are considered unclean in

Muslim and Buddhist cultures

- will lead to labelling and be damaging to pupils concerned
- will result in appropriate support for pupils most in need
- is feasible and an effective use of school resources, and those of the police, where involved.

The above considerations apply equally to drug testing.

Where such action is planned for the purposes of detection schools are

advised to make sure, in advance, that:

- the intention to use such an approach is clearly stated in the school's drug policy developed in consultation with pupils, parents, staff, governors and the whole school community
- parents/carers have given their consent (usually in writing) to the proposed use of sniffer dogs at the request of the headteacher.

This is

good practice rather than a legal requirement.

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- procedures are in place to remove pupils for whom consent is not given
- they have considered what action will be taken if drugs are found on

any member of the school community (including staff and visitors), and

that this has been communicated clearly and is consistent with responses to other drug incidents

- they are able to be sensitive to and respect the right to privacy of pupils whom the dog may identify either because they are taking prescription medicines or have been exposed to an environment where

others have used drugs

- plans are in place to deal with potential media interest.

In addition to informing parents/carers of the intention to use such an

approach (and seeking their consent – see above), parents/carers should be notified immediately after such action has taken place.

Involvement of sniffer dogs purely as a deterrent

A headteacher requesting the use of sniffer dogs solely as a deterrent,

where there are no reasonable grounds for suspicion and where prior

consent has not been sought, will need to consider possible challenges

by parents and pupils under the Human Rights Act. Schools should ensure that if sniffer dogs are used for detection or as a deterrent, they form part of an on-going whole school approach to managing drugs on school premises rather than an isolated action.

REF DRUGS, GUIDANCE FOR SCHOOL P120-121

APPENDIX SIX



Cannabis Reclassification guidance

Detective Sergeant Kevin Borg
Offender Management Unit



Produced by FCSB
5th Jan 2004

1.0 INTRODUCTION

- 1.1** The purpose of this paper is to issue guidance to officers dealing with offences of possession of cannabis by offenders when the drug is reclassified from Class B to Class C of Schedule 2 of the Misuse of Drugs Act 1971. This guidance will come into effect from January 29th 2004, and complies with the relevant Race Relations and Discrimination legislation.
- 1.2** West Midlands Police is fully committed to treatment and harm minimisation interventions as a means of reducing drug related offending, and to the quality of life and safety of our communities. It is important to improve treatment provision and its timeliness, while at the same time creating a better fit with enforcement activity.
- 1.3** The Arrest referral scheme will continue to develop the gateways to treatment via current criminal justice interventions.
- 1.4** This guidance provides a framework to allow seizure of cannabis without arrest, protecting the officer and offender, thereby improving morale and public confidence. It will reduce the amount of time devoted to policing the possession of a drug, which is undoubtedly harmful to individual health, but does not cause damage or danger to health or to the community on the scale of crack cocaine, cocaine or heroin.
- 1.5** A police officer finding a person in possession of cannabis who is satisfied that the drug is intended for that person's own use should not arrest the offender unless aggravating factors apply. The drug must be seized but no further action should be taken in respect of the offence other than administrative procedures identified. Young persons should be arrested to allow formal disposal through the youth justice process.

2.0 ARREST

- 2.1** A consequence of transferring cannabis from Class B to Class C is that under current legislation cannabis possession would ordinarily not be an arrestable offence under Section 24 of

PACE 1984. However, the law has been amended by Parliament so that it will continue to be defined as an arrestable offence with the maximum penalty being reduced to 2 yrs imprisonment, but the presumption should be against using this power for simple possession offences. The maximum penalty for supply of cannabis and all Class C drugs will be increased to 14yrs. This guidance does not affect officers powers concerning other offences related to cannabis.

2.2 There will be circumstances where it is appropriate to arrest for possession of cannabis. This is very much left to the discretion of officers who will be expected to take into account the prevailing circumstances in deciding whether to arrest or not. An officer may consider arrest in the following situations:

2.3 Significant thought and discussion has been given to the term personal use, or what may amount to a 'small quantity'. The terms can have different meanings depending on the circumstances surrounding the offence and the suspect. Crown Prosecution Service policy is to consider each case on its individual merits. The term 'personal' should be given its ordinary meaning ie the possessor does not intend to share it with anyone else. The decision on 'small quantity' will be a matter of the judgement for the officer, at the time and place, considering the individual suspect and all the surrounding circumstances. Where there is suspicion of possession with intent to supply, the suspect should be arrested, the evidence secured and preserved in order to support a charge of this more serious offence.

3.0 Beyond simple possession of cannabis

Context

3.1 The smoking of cannabis in public view is not in the spirit of re-classification. Such flagrant ignorance of the law has the potential of undermining the illegal status of possession of a controlled drug. A similar undermining could occur where, on a local basis, a police officer is aware of a person who is repeatedly dealt with for possession of cannabis.

3.2 Police officer may arrest

- Where a person is smoking cannabis in public view.
- Where locally a person is known to be repeatedly dealt with for possession of cannabis.

3.3 In order to establish whether an offender has received previous warnings FLINTS must be checked to verify whether the offender is eligible for a formal warning.

3.4 Each offender will receive a total of two formal warnings, and if found to be in possession of cannabis on a third occasion, the offender should be arrested for the offence.

4.0 Locally Identified Policing Problem

Context

4.1 There may be circumstances such as a fear of public disorder associated with the use of cannabis which are causing a local policing problem that cannot be effectively dealt with by other powers.

4.2 Officers may arrest

- Persons who are in possession of cannabis under circumstances that are causing a locally identified policing problem.

5.0 Youth Offenders

Context

5.1 The Crime and Disorder Act provides a statutory framework for Youth Offenders to be dealt with in a different way to adult offenders using the options of a reprimand, final warning and charge. Youth offenders will continue to be dealt with through the Crime and Disorder Act provisions and not this Cannabis Enforcement Guidance. The Crime and Disorder Act legislation requires offenders to be dealt with at the police station which, in practice, means that police officers should arrest

persons aged 17 years or under who are in possession of cannabis for personal use.

6.0 Protecting Young People

Context

6.1 If the young person is found in possession of cannabis on educational premises then officers should take account of local arrangements that are in place, for example Safer School Partnership protocols. Guidance on this matter can be found in the DfES guidance document, (ref: DfES/0205/2003). The DfES guidance encourages close liaison between both agencies, so that the most appropriate course of action can be followed, giving due consideration to all the factors involved.

Officers may arrest

6.2 Persons in possession of cannabis inside or in the vicinity of premises frequented by young persons, e.g. schools, youth clubs, play areas.

7.0 OFFENDERS UNDER 10 YEARS

7.1 When children under the age of 10 years are found in possession of cannabis, this should be considered an "at risk" incident prompting the appropriate referrals to other agencies through the child protection team.

8.0 VULNERABLE PERSONS

8.1 The term "vulnerable person" includes a person who may be suffering from a mental disorder or incapable of understanding the significance of questions or replies. Such persons should be dealt with within the terms of this strategy by being arrested, their own personal welfare and interests being paramount. Final disposal will be within the ACPO Case Disposal Guidelines. All case disposal options, including Formal Warning, are available for consideration by the custody officer.

9.0 PROCEDURE

- 9.1 If a Constable believes that a substance found is cannabis it will be seized from the offender.
- 9.2 The cannabis will be placed in a tamperproof drug bag in the presence of the offender, where possible.
- 9.3 The offender will be told by the officer that possessing cannabis is still an offence which is arrestable, even though reclassified to class C. Providing there are less than two ' formal warnings for simple possession recorded against the individual, the offender will then be told that he/she is being formally warned for being in possession of cannabis, and that the incident will be recorded.
- 9.4 At the earliest opportunity the officer will complete a stop form for the offender including the seizure details. **'Formal Warning'** should be written at the top of the form, in order for the formal warning to be listed under the offender's profile on FLINTS. This will allow a search to be completed on the offender to ascertain whether he/she has received formal warnings in the past. A pocket book entry should also be completed.
- 9.5 The constable will also notify the communications centre regarding the incident, ensuring that the tamperproof drug bag seal number is included in the incident log, to aid continuity and ensuring the integrity of the exhibit.
- 9.6 A duty supervisor will be informed of the incident and the outcome.
- 9.7 The seized cannabis will then be taken to a police station where details of the seizure will be entered onto the detained property computer, and deposited in the detained property store for disposal. The detained property entry should include details of the seizure and a request for the substance to be destroyed. A Crim Sec 38 form should be completed and attached to the detained property.

9.8 A WC200 will be completed by the officer, ensuring that the offence box includes the wording 'Formal Warning'. The WC201 should also be completed, again ensuring that the wording 'formal Warning' is entered in the Offence as reported box. Guidance will be issued in due course, from the Home Office , regarding the detection code. In the meantime this section of the WC201 should not be completed.

9.9 Where the offender denies that the substance is cannabis and there is evidence to suggest otherwise, the officer may arrest the offender. This also applies to when the offender denies ownership of the cannabis and there is evidence to prove the contrary.

9.10 If an offender has received two formal warnings and is arrested on the third occasion, the disposal options are caution or charge, depending on any aggravating factors present at the time of arrest.

9.11 The recently revised final warning policy (part one order 86/2003) should be adhered to when dealing with young offenders, in order for the Youth Offending Team to assess the offender providing the appropriate intervention.

THIS POLICY WILL COME INTO EFFECT AS OF

HEAD TEACHER _____ DATE _____

SCHOOL
GOVERNOR _____ DATE _____

TO BE REVIEWED ON _____

