Smoking, Alcohol and the Misuse of Drugs and Substances Policy

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1. Aims

This is the policy on smoking, alcohol and the misuse of drugs and substances of Trinity Academy.

1.1 The aims of this policy are as follows:

1.1.1 to promote safety, welfare and good physical and mental health;

1.1.2 to increase understanding about the implications and possible consequences of use and misuse of tobacco, alcohol, drugs and substances;

1.1.3 to prevent smoking and the misuse of tobacco, alcohol, drugs and substances in and out of the Academy;

1.1.4 to reduce the risk of alcohol, drug and substance related misconduct in and out of the Academy;

1.1.5 to maintain a smoke-free environment [where smoking (as defined below) is prohibited] and keep unauthorised tobacco, alcohol, drugs and substances out of the Academy;

1.1.6 to actively promote the rule of law; and

1.1.7 to promote a school culture where high standards of behaviour pervade all aspects of school life, where pupils can learn in a calm, safe and supportive environment.

1.2 This policy forms part of the Academy's whole school approach to promoting child safeguarding and wellbeing, which seeks to ensure that the best interests of pupils underpins and is at the heart of all decisions, systems, processes and policies.

1 Scope and application

1.1 This policy applies to the whole Academy.

1.2 This policy applies to all pupils at the Academy and at all times when a pupil is:

1.2.1 in or at the Academy (to include any period of remote education);

1.2.2 representing the Academy or wearing school uniform;

1.2.3 travelling to or from the Academy

1.2.4 on Academy-organised trips;

1.2.5 associated with the Academy at any time.

1.3 This policy shall also apply to pupils at all times and places in circumstances where failing to apply this policy may:

1.3.1 affect the health, safety or well-being of a member of the Academy community or a member of the public;

1.3.2 have repercussions for the orderly running of the Academy; or

1.3.3 bring the Academy into disrepute. It may therefore apply to parties outside of the school or conduct in the holidays.

1.4 This policy applies to the:

1.4.1 Possession (as defined below);

1.4.2 use / consumption (as defined below);

1.4.3 supply (as defined below);

of tobacco, alcohol, drugs and substances (as defined below), whether or not the activity may constitute a criminal offence.

2 Regulatory framework

2.1 This policy has been prepared to meet the Academy's responsibilities under the:

2.1.1 Education (Independent School Standards) Regulations 2014;

2.1.2 *National minimum standards for boarding schools* (Department for Education (**DfE**), September 2022);

2.1.3 *EYFS statutory framework for group and school-based providers* (DfE, January 2024);

2.1.4 Education and Skills Act 2008;

2.1.5 Children Act 1989;

2.1.6 Childcare Act 2006;

2.1.7 Data Protection Act 2018 and UK General Data Protection Regulation (**UK GDPR**);

2.1.8 Equality Act 2010;

2.1.9 Children and Social Work Act 2017;

2.1.10 Smoke-free (Premises and Enforcement) Regulations 2006; and

2.1.11 The Relationships Education, Sex and Relationships Education and Health Education (England) Regulations 2019.

2.2 This policy has regard to the following guidance and advice:

2.2.1 Keeping children safe in education (DfE, September 2025) (**KCSIE**);

2.2.2 Behaviour in Schools: Advice for head teachers and school staff (DfE, February 2024);

2.2.3 Suspension and permanent exclusion from maintained schools, academies and pupil referral units in England, including pupil movement (DfE, August 2024) (**Exclusion Guidance**)

2.2.4 Mental health and behaviour in schools (DfE, November 2018);

2.2.5 Testing for substance misuse in schools (Medical Officers of Schools Association, June 2020);

2.2.6 DfE and ACPO drug advice for schools (Department for Education and Association of Chief Police Officers, September 2012);

2.2.7 Searching, screening and confiscation: advice for schools (DfE, July 2022, in force from September 2022);

2.2.8 Drug penalties guidance (Gov.uk);

2.2.9 (PACE) Code C 2019 (Home Office, November 2020, updated December 2023); and

2.2.10 Relationships education, relationships and sex education and health education statutory guidance (DfE, for introduction September 2026).

2.3 The following Academy policies, procedures and resource materials are relevant to this policy:

2.3.1 Behaviour policy;

2.3.2 Safeguarding and child protection policy and procedures;

2.3.3 Special educational needs and disability policy;

2.3.4 Statement of behaviour principles

2.3.5 Use of reasonable force and physical restraint policy

2.3.6 Staff code of conduct, and

2.3.7 Supporting pupils with medical conditions policy;

3 Publication and availability

3.1 A digitised version of this policy is available on request.

3.2 This policy is available in hard copy on request.

3.3 A copy of the policy is available for inspection from the front office during the school day.

3.4 This policy can be made available in large print or other accessible format if required.

4 Definitions

4.1 Where the following words or phrases are used in this policy:

4.1.1 References to the **Proprietor** are references to Future Academies Trust.

4.1.2 **Alcohol** means intoxicating liquor of all descriptions (including beer, cider, wine and spirits).

4.1.3 **Biological sample** means a sample of breath, saliva, hair or urine provided by a pupil in accordance with the procedures set out in this policy.

4.1.4 DSL means the Academy's Designated Safeguarding Lead or Deputy Designated Safeguarding Lead

4.1.5 **Drugs and substances:** for the purpose of this policy these terms mean controlled drugs; psychoactive substances; substances intended to resemble drugs and / or the paraphernalia of drugs, such as (without limitation) any equipment, product or accessory intended or modified for making, using or concealing drugs; "legal" drugs i.e. those which can be obtained from a chemist shop; performance enhancing drugs; anabolic steroids; glue and other substances held or supplied in each case for purposes of inhalation and / or misuse.

4.1.6 References to **Parent** or **Parents** means the natural or adoptive Parents of the pupil (irrespective of whether they are or have ever been married, with whom the pupil lives, or whether they have contact with the pupil) as well as any person who is not the natural or adoptive Parent of the pupil, but who has care of, or Parental responsibility for, the pupil (e.g. foster carer / legal guardian).

4.1.7 References to **school days** mean Monday to Friday, when the Academy is open to pupils during term time. The dates of terms are published on the Academy's website.

4.1.8 **Tobacco** means any tobacco-related product and / or paraphernalia including cigarettes, cigars and pipes and any other smoking-related products such as tobacco and cigarette papers.

4.1.9 **Smoking** means smoking tobacco or anything containing tobacco or smoking any other substance in a form in which it could be smoked. For the purpose of this policy, smoking also refers to the smoking or vaping of e-cigarettes, cig-a-likes, or electronic vapourisers.

4.1.10 **Possession** means any items over which the pupil has or appears to have control – this includes clothing, desks, lockers and bags.

4.1.11 **Supply** means providing or sharing (whether or not for money or other consideration) or facilitation of supply e.g. sale, exchange or sharing. It also includes the promotion / advertisement of supply.

4.1.12 **Use** means the taking / consumption of tobacco, alcohol, drugs or substances.

4.1.13 **Misuse** means the unauthorised taking / consumption of tobacco, alcohol, drugs or substance through which harm could occur and / or is in breach of the Academy rules and / or the law.

4.1.14 **Substance abuse** means alcohol consumption or drug / substance taking which harms health and may be part of a wider spectrum of problematic or harmful behaviour.

5 Responsibility statement and allocation of tasks

5.1 The Proprietor has overall responsibility for all matters which are the subject of this policy.

5.2 The Proprietor is aware of its duties under the Equality Act 2010 and the requirement under S.149 of the Equality Act 2010 to meet the Public Sector Equality Duty. This means in carrying out its functions, the Proprietor is required to have due regard to the need to:

5.2.1 eliminate discrimination, harassment, victimisation and other conduct that is prohibited by the Act;

5.2.2 advance equality of opportunity between people who share a protected characteristic and people who do not share it; and

5.2.3 foster good relations across all characteristics - between people who share a protected characteristic and people who do not share it.

5.3 To ensure the efficient discharge of its responsibilities under this policy, the Proprietor has allocated the following tasks:

Task	Allocated to	When / frequency of review
Keeping the policy up to date and compliant with the law and best practice	Director of Secondary	As a minimum annually, ideally termly and as required
Monitoring the implementation of the policy, relevant risk assessments and any action taken in response and evaluating effectiveness	Director of Secondary	As a minimum annually, ideally termly and as required
Maintaining up to date records of all information created in relation to the policy and its implementation as required by the UK GDPR	Principal	As required, and at least annually

Task	Allocated to	When / frequency of review
Seeking input from interested groups (such as pupils, staff, Parents) to consider improvements to the Academy's processes under the policy	Principal	As a minimum annually, ideally termly and as required
Formal annual review	Proprietor	As required, and at least annually
Overall responsibility for content and implementation	Proprietor	As a minimum annually

6 Smoking policy

6.1 The Academy operates a smoke free policy and a total smoking ban within its buildings, grounds and vehicles.

6.2 The total smoking ban applies to the whole Academy community including pupils, employees, volunteers, Parents, visitors, members of the public and others working in or using the Academy's premises or vehicles and in the circumstances set out in paragraph 1 of this policy.

7 Prohibitions on smoking, alcohol, drugs and substances

7.1 Pupils are forbidden from:

7.1.1 smoking inside or outside Academy premises, being in possession of tobacco, nicotine and nicotine substitutes, e-liquids, electronic cigarettes, cig-a-likes and /or vaporising devices while in the care of the Academy or supplying any such products to other pupils;

7.1.2 bringing alcohol onto Academy premises or being in possession of alcohol without prior consent or obtaining or supplying alcohol to another, or being impaired by alcohol while on Academy premises or in the care of the Academy;

7.1.3 any production, possession, use or supply of drugs and substances;

7.1.4 bringing the Academy into disrepute for any reason associated with tobacco, alcohol or drugs and substances, whether or not the pupil is in the care of the Academy at the time.

7.2 Parents

7.2.1 If a Parent attending Academy premises appears to be under the influence of alcohol, drugs or substances, they will be asked to leave and

the member of staff making the request should refer the matter to the Academy's DSL.

7.2.2 If a member of staff suspects that a Parent has driven or will drive whilst under the influence of alcohol, drugs or substances, the member of staff should report the matter to the DSL or a member of the senior management team who may telephone the police.

7.2.3 If the DSL reasonably believes that a child is at immediate risk of harm from a Parent who is under the influence of alcohol, drugs or substances, the child will not be released into the care of the Parent and the Academy's child protection procedures will be followed.

8 Education and instruction

8.1 The education of pupils about alcohol, tobacco, drugs and substances and their dangers forms part of the Academy's programme of relationships and sex education (**RSE**) and health education / personal, social and health education (**PSHE**) and within the framework of the overall pastoral care policy. It includes classroom teaching, group discussions and talks by experts from outside the Academy.

8.2 The Academy educates pupils to understand:

8.2.1 the effect and risks associated with alcohol, tobacco, and drugs in relation to their health and well-being and the law; and

8.2.2 possible criminal offences relating to their use.

8.3 All members of staff receive training about alcohol, tobacco, drugs and substances so that they are alert to the warning signs of drug misuse and can respond appropriately when pupils seek advice or assistance.

8.4 The Academy is alert to the potential need for early help for a child who misuses drugs or alcohol. A member of staff who has any concern about a pupil's welfare, or considers that a pupil may benefit from early help, should report this to the DSL in accordance with the Academy 's Safeguarding and child protection policy and procedures.

9 Advice and assistance

9.1 Pupils are encouraged to discuss their anxieties about their own or other's use of alcohol, tobacco, drugs and substances in confidence with a member of staff or other responsible adult. They will be offered support within the Academy and can also have access to information about outside agencies able to provide advice, support and assistance. Accredited counselling services can be recommended by the Academy to a pupil in appropriate circumstances, after consultation with their parents.

9.2 Parents are asked to inform the Vice Principal (DSL) if they have any reason to think that their child may have been involved with alcohol, tobacco, drugs and substances, so that suitable advice, support and assistance can be given. If a parent reports their child as a user of nicotine, alcohol, drugs or substances

or a pupil themselves does not ask for help, the pupil is likely to be given at least one opportunity to reform their behaviour with appropriate support.

9.3 Taking disciplinary action under this policy and providing appropriate support are not mutually exclusive actions. The Academy will have regard to the individual circumstances of each child and each case when considering the appropriate response to a breach of the rules set out in this policy, and will also consider proportionality, consistency and fairness.

9.4 Each case will be given careful consideration in light of its individual circumstances and support will always be offered and the Principal will consider appropriate strategies to help the pupil understand the behaviour expectations of the Academy and how to comply with them

9.5 the Principal will make a decision as to whether or not the Academy's disciplinary procedure is to be followed or, whether or not to request that the pupil agrees to engage with a formal programme which may include: counselling, education and testing.

10 Child Protection and Risk assessment

10.1 The Academy will consider whether a breach of this policy gives cause to suspect that a pupil is suffering, or is likely to suffer harm. Where this is the case, the member of staff should report this to the DSL in accordance with the Academy's Safeguarding and child protection policy and procedures who will in turn consider an early help intervention or a referral to Children's Social Care.

10.2 Where a concern about a pupil's welfare is identified, the risks to that pupil's welfare will be assessed and appropriate action will be taken to reduce the risks identified.

10.3 The format of risk assessment may vary and may be included as part of the Academy's overall response to a welfare issue, including the use of individual pupil welfare plans (such as behaviour, healthcare and education plans, as appropriate) or its usual safeguarding information system. Regardless of the form used, the Academy's approach to promoting pupil welfare will be systematic and pupil focused and that any measures put in place are regularly reviewed.

10.4 Principal has overall responsibility for ensuring that matters which affect pupil welfare are adequately risk assessed and for ensuring that the relevant findings are implemented, monitored and evaluated.

10.5 Day to day responsibility to carry out risk assessments under this policy will be delegated to Stefan Grabowski, Vice Principal (DSL) who has been properly trained in, and tasked with, carrying out the particular assessment.

11 Investigation

11.1 Every complaint, allegation or rumour or observation of pupil behaviour in relation to tobacco or alcohol or involvement with drugs and substances will be followed up and investigated in accordance with this policy and the procedures set out in the Academy's Behaviour policy.

11.2 If the findings of the investigation support the allegation, complaint or rumour or observation of pupil behaviour, a disciplinary meeting will usually be held, in accordance with the procedures set out in the Academy's Behaviour policy.

11.3 **Searches for tobacco, alcohol, drugs and substances**

11.3.1 Academy staff can search a pupil for tobacco, alcohol, drugs or substances if they agree. The member of staff should ensure the pupil understands the reason for the search and how it will be conducted so that their agreement is informed.

11.3.2 When exercising their powers consideration will be given to the age and needs of the pupil being searched, including the individual needs or learning difficulties of pupils with Special Educational Needs (SEN) and making reasonable adjustments that may be required where a pupil may be required where a pupil has a disability.

11.3.3 If a pupil refuses to co-operate with a search, school staff should assess whether it is appropriate to use reasonable force to conduct a search without their co-operation and in accordance with the Academy's policy on searching and confiscation (see the procedures set out in Academy's Behaviour policy) and / or to consider disciplinary action as a consequence.

11.4 **Testing**

11.4.1 A pupil suspected of unauthorised consumption of alcohol or involvement with drugs or substances may be asked to give a biological sample. The reason for this policy is to:

(a) deter breaches of Academy discipline;

(b) identify users;

(c) absolve those who have been wrongly suspected.

11.4.2 **Alcohol**

See 0 for details of the testing procedure for alcohol.

11.4.3 **Drugs and substances**

See Appendix 2 for details of the testing procedure for drugs and substances.

11.4.4 Although tests are not infallible, the Academy will treat a positive test as evidence that the pupil is likely to have consumed alcohol or been using drugs or substances, as appropriate.

12 **Consent to testing**

12.1 The relevant consent to a test is that of the pupil rather than the Parent(s) providing that they are of sufficient maturity and understanding and gives their informed consent in writing. Where the pupil is not deemed to have sufficient

maturity or understanding or to be fit to give informed consent themselves, then consent will be sought from a parent.

12.2 The member of staff leading the investigation will determine whether or not the pupil is able to provide this consent and may request the additional opinion of a medically qualified member of staff.

12.3 If a pupil refuses to provide a biological sample they will be asked to say why they have refused. Where the pupil is of sufficient maturity, the Academy will be entitled to draw inferences from their response and general demeanour. If a Parent's consent is required and they refuse to consent to their child providing a biological sample, or their child refuses to cooperate in spite of their consent the Academy may only draw inferences from the pupil's general demeanour.

12.4 Reasonable endeavours will be made, before a biological sample is taken, to notify a Parent, guardian or education guardian of the requirement for a biological sample and the reasons for that requirement.

13 Police involvement

13.1 The Academy must notify the police and / or relevant agencies of actual or alleged criminal activity.

13.2 If the Academy suspects that a criminal offence has taken place in relation to the possession, use or supply of alcohol, drugs or substances, then consideration will be given to reporting this to the police and the relevant local authority.

13.3 The DSL will take a lead role in all cases where a pupil is detained and questioned by the Police, to ensure that the pupil is supported by an appropriate adult in line with PACE Code C (Code of Practice for the detention, treatment and questioning of persons by Police Officers). The role of the appropriate adult is to:

13.3.1 support, advise and assist the pupil when they are given or asked to provide information or participate in any procedure;

13.3.2 observe whether the police are acting properly and fairly to respect the pupil's rights and entitlements, and inform an officer of the rank of inspector or above if they consider that they are not;

13.3.3 assist the pupil to communicate with the police whilst respecting their right to say nothing unless they want to; and

13.3.4 help them to understand their rights and ensure that those rights are protected and respected

13.4 If the police suspect that a pupil possesses or has stored drugs, substances or related paraphernalia, they may elect to investigate using their own procedures or may pass the matter back to the Academy to investigate.

13.5 If the Academy seizes a controlled drug, this will usually be delivered to the police as soon as possible. In exceptional circumstances and at the discretion

of the Principal or authorised member of staff, the drugs may be destroyed without the involvement of the police if there is good reason to do so. All relevant circumstances will be taken into account and staff will use professional judgement to determine whether the items can be safely disposed of. They will not be returned to the pupil.

13.6 Other substances considered to be harmful or detrimental to good order and discipline will be confiscated. A senior member of staff will take account of all relevant circumstances and use their professional judgement to determine whether they can safely dispose of the seized substance.

13.7 The Academy will retain, dispose or destroy tobacco, alcohol, smoking equipment.

14 Sanctions

14.1 Where a pupil breaches any of the prohibitions set out in this policy, the Proprietor has authorised the Principal to apply any sanction which is appropriate and proportionate to the breach in accordance with the Academy's Behaviour policy. In addition consideration will be given to appropriate support for the pupil as disciplinary action and supportive measures will not be mutually exclusive.

14.2 The following guidelines will apply:

14.2.1 **Tobacco and alcohol:** Sanctions will be applied in accordance with the Academy's Behaviour policy. For a serious breach or persistent breaches, a pupil may be subject to suspension or permanent exclusion from the Academy.

14.2.2 **Drugs:** Sanctions will be applied in accordance with the Academy's Behaviour policy. Suspension or permanent exclusion will not be the automatic response to a drug incident, but may be considered in serious cases, taking into account the needs of the individual pupil concerned.

15 Training

15.1 The Academy ensures that regular guidance and training is arranged on induction and at regular intervals thereafter so that staff and volunteers are alert to the warning signs of smoking, alcohol or drug misuse, understand what is expected of them by this policy and have the necessary knowledge and skills to carry out their roles and respond appropriately when pupils seek advice or assistance.

15.2 The Academy will ensure that a sufficient number of staff are appropriately trained in how to lawfully and safely search a pupil who is not co-operating, so that these trained staff can support and advise other members of staff if this situation arises.

15.3 The level and frequency of training depends on role of the individual member of staff.

15.4 The Academy maintains written records of all staff training.

16 Record keeping

16.1 All records created in accordance with this policy are managed in accordance with the Academy's policies that apply to the retention and destruction of records.

16.2 Sensitive personal information about pupils is disclosed only on a "need to know" basis with careful attention to pupils' rights and needs.

16.3 The records created in accordance with this policy may contain personal data. The Academy's use of this personal data will be in accordance with data protection law. The Academy has published privacy notices on its website which explains how the Academy will use personal data.

Appendix 1 Testing for alcohol

1 **Method of use:** Only members of staff who have received training will be authorised to administer the breathalyser. In general, they will be members of the Senior Management Team.

2 **Refusal:** If a pupil refuses to provide a sample of breath the pupil may be asked to supply, under medical supervision, a further biological sample for analysis in accordance with the drug testing procedures (see Appendix 2).

3 **Record:** A written record will be kept when a pupil is asked to take a test and its outcome will be recorded.

Appendix 2 Testing for drugs

1 **Biological sample:** If, outside the context of confidential counselling, there is reason to suspect that a pupil has been involved with drugs and / or substances, they may be asked to supply, under medical supervision, a biological sample (e.g. saliva, hair or urine) for analysis.

2 **Medical supervision:** The biological sample will be taken under medical supervision. A member of the Academy staff will also be present. All due care will be taken to respect the pupil's privacy and human rights.

3 **Testing procedures:** These will be in accordance with standard good practice and where applicable the *Testing for substance misuse in schools* (June 2020) produced by the Medical Officers in Schools Association (**MOSA**):

3.1 care will be taken to make as certain as possible that the sample provided is genuine and uncontaminated;

3.2 the pupil will be asked to sign various seals and documents which confirm that the specimens are theirs;

3.3 the pupil will also be asked to sign a form which signifies that they are satisfied with the collection procedure and gives consent for the results of the test being made available to the Principal .

4 **Medical record:** The outcome of the test, whether positive or negative, will not form part of the pupil's permanent medical record.

5 **Outcome:** When the Academy receives the laboratory report:

5.1 reasonable attempts will be made to notify the pupil and a Parent by telephone;

5.2 if the result is negative, any second sample will be destroyed immediately;

5.3 if the result is positive, a second sample will be made available for independent analysis.

Appendix 3 Supportive programme

Full name of pupil	
Date	
Pupil's date of birth	
Age now	

1	I have admitted to using a drug or substance in breach of the Academy's behaviour and smoking, alcohol and drugs policy and disciplinary rules.
2	I agree that I am likely to benefit from advice, assistance and support in order to meet the required standards of behaviour expected of me as a pupil at the Academy.
3	I agree to participate in a testing regime administered by the Academy.
4	For the next [one/ three / six] school terms, I may at any time be asked to provide a [saliva / hair / urine] or other sample for analysis in accordance with the procedures described in the policy.
5	I understand that I may be asked to provide a sample at any reasonable time even if no grounds exist at that time to suspect that I have been involved with drugs or substances.
6	The Principal has also offered me [Principal / Headteacher detail here any other advice, assistance or support which will form part of the individual package for the pupil]
7	I agree to be subject to this programme and to engage positively and co-operate with the Academy about it.
8	I understand that the Academy will take all reasonable care to preserve my confidentiality and human rights in the operation of this programme.
9	I also understand that if without good reason I fail to co-operate with this programme or if a test proves positive it is likely I will be subject of further sanctions as set out in the Behaviour policy.

Signed	

Appendix 4 Declaration of Parents / education guardian

I / We the undersigned have read the Academy's policy on alcohol substances and drugs, and this Appendix. For my / our part, I / we accept the Principal offer of a testing programme for the above named pupil, as described above.

I / We undertake to co-operate with the testing programme in all respects.

Signed	
Full name	
Relationship to pupil	
Date	

Signed	
Full name	
Relationship to pupil	
Date	