

Police Response to Substance Incidents in Schools



**DEVON & CORNWALL
CONSTABULARY**

There is a continuing need to provide guidelines relating to Police response to substance misuse incidents in schools. This will enable each school throughout the Force area to create its own policies internally to deal appropriately with substance misuse incidents. These policies will be in line with the DfES - Drugs: Guidance for schools, Dfes/0092/2004, 'The Right Responses - Managing and making policy for drug-related incidents in schools', ISBN 0 948970 32 4

Over-riding Principles

- ◆ Police response to substance misuse incidents should:
 - (i) be consistent across the Force: and,
 - (ii) be based on clear and accessible guidelines available to Police Officers and educationalists.
- ◆ Management of schools is the responsibility of the Head Teacher, Governors (or Management Board) and the Local Education Authority (LEA). Police response should complement management responsibility to pupils but should not conflict with the Police responsibility to investigate offences under the Misuse of Drugs Act 1971.
- ◆ Decisions concerning young people who are involved in substance misuse incidents in schools are better made in partnership between Police and schools rather than in isolation.
- ◆ This policy will be managed under the direction of ACC Territorial Policing and Partnerships who will identify a suitable Officer at Superintendent level to ensure its promulgation across the force area, both internally and externally.
- ◆ School Managers (Head Teachers, Governors, LEA) will be expected to have an up to date Substance Misuse / Drug Incident Policy.

Guidelines to Police Involvement in Drug Related Incidents in Schools

1. Drugs Definitions
2. Drug Strategies in Schools and Supportive Legislation
3. Police Response to a Drug Related Incident in School
4. Types of Incidents and Suggested Procedures
5. Aide Memoire for Police Officers
6. Drug Identification Guide
7. Appendices

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

Drugs Definitions (source: 'The Right Approach' [DrugScope, 1999])

1.1 Drug

This document uses the term to refer to any psychotropic substance, all legal drugs, including alcohol and tobacco, all illegal drugs, volatile substances, and over-the-counter and prescription medication.

1.2 Drug Taking

The consumption of any drug. All drug taking, including medicinal use, carries the potential for harm. Different interventions are appropriate to address drug taking by young people.

1.3 Drug Use

Drug use is drug taking through which harm may occur, whether through intoxication, breach of school rules or the law, or the possibility of future health problems, although such harm may not be immediately perceptible. Drug use will require interventions such as management, education, advice and information, and prevention work to reduce the potential for harm.

1.4 Drug Misuse

Drug taking which harms health or functioning. It may take the form of physical or psychological dependence or be part of a wider spectrum of problematic or harmful behaviour. Drug misuse will require a further range of interventions, which may include treatment

1.5 Drug Incident

Evidence or suspicion of a specific event at a school involving one or more unauthorised drugs, and requiring immediate action by school staff.

Substance Misuse / Drugs Strategies in Schools and Supportive Legislation

A multi-agency approach is needed, if strategies are to be successful - both in proactive (educational) as well as reactive (in response to specific incidents) terms.

Drugs incidents in particular need a planned, structured and consistent response in line with the Local Education Authority's or individual school's policy.

Devon and Cornwall Constabulary aims to divert young people from crime and under the Criminal Justice System we are able to consider options other than prosecution in certain circumstances. Accordingly incidents will be dealt with by taking all factors into consideration and working in close partnership with schools and parents/guardians.

These guidelines have been written to assist schools and the Police to form a partnership to tackle substance misuse issues in line with current Government advice. This document also recognises the recommendations of the DrugScope document 'The Right Responses 1999', and are intended to be used in conjunction with the DfES - Drugs: Guidance for schools, Dfes/0092/2004. For ease of reference some Police related key paragraphs from this guidance have been outlined in this document.

For guidelines regarding the use of Drug Dogs in an educational or enforcement capacity whilst pupils are present please see Appendix C of this document

Police Response to a Substance Misuse Incident in School

In order to maintain consistency, and to provide an effective response to schools, schools will need to have produced an up to date substance misuse/drugs incident policy. The Police will then be able to deliver a three tiered response policy. In order for this to happen the following recommended procedures from the DfES, Drugs: Guidance for schools 2004 should form part of a schools drugs policy.

THE ROLE OF THE POLICE

The Department has consulted with the Association of Chief Police Officers (ACPO) in framing this guidance. Local practice and circumstances may vary from the guidance offered here.

Legal drugs

The police will not normally need to be involved in incidents involving legal drugs, but schools may wish to inform trading standards or police about the inappropriate sale or supply of tobacco, alcohol or volatile substances to pupils in the local area.

Illegal drugs

Schools have no legal obligation to report an incident involving drugs to the police. Nevertheless, not informing the police may prove to be counter-productive for the school and wider community. The police should, however, be involved in the disposal of suspected illegal drugs (see section 4.7).

Working in partnership

Schools and the police should build a trusting partnership. Schools should liaise closely with their local police or Safer School Partnership (SSP) officer where they exist, to ensure that there is an agreed policy based on local protocols for dealing with the range of incidents that might arise. This will clarify roles and mutual expectations before incidents occur. The following criteria should be agreed with the police and clearly set out in the school's drug policy:

- ◆ *when an incident can be managed internally by the school*
- ◆ *when the police should be informed or consulted*
- ◆ *when the police should be actively involved*
- ◆ *when a pupil's name can be withheld and when it should be divulged to the police.*

However, there may be a very small number of incidents where the police need to take action, irrespective of agreed protocols or the wishes of the school.

Schools should feel able to contact the police to discuss a case and ask for advice without needing to divulge a pupil's name. Schools should contact the designated officer, named in the drug policy, with whom a relationship has been built. 999 should only be called in emergencies. Good links will also need to be made with the Youth Offending Team (YOT) (see section 5.4.2).

Source: *DfES, Drugs: Guidance for schools 2004, Section 4 - Good management of drugs within the school community*

Where a suspect substance is found within the confines of a school or school premises and no one can be associated with that substance, the school may dispose of the substance in the appropriate way. Schools should be aware of the possible contravention of the Environmental Protection Act 1990 and local Environmental Health guidelines if considering the disposal of suspected substances.

3.1 Level One Collection and Administration

TAKING TEMPORARY POSSESSION OF AND DISPOSAL OF SUSPECTED ILLEGAL DRUGS

The law permits school staff to take temporary possession of a substance suspected of being an illegal drug for the purposes of preventing an offence from being committed or continued in relation to that drug providing that all reasonable steps are taken to destroy the drug or deliver it to a person lawfully entitled to take custody of it.

School staff should not attempt to analyse or taste unknown substances. Police can advise on analysis and formal identification, although this is normally carried out only if it will be required as evidence within a prosecution. If formal action is to be taken against a pupil, the police should make arrangements for them to attend a local police station accompanied by an appropriate adult for interview. Only in exceptional circumstances should arrest or interviews take place at school. An appropriate adult should always be present during interviews, preferably a parent/carer or duty social worker.

DETECTION

Searches

The procedures for and circumstances where searches may be considered appropriate should be made explicit in the school drug policy. Schools should always seek consent and ensure that a second adult witness is present. If this is refused they will need to consider whether to call the police. Searches should be conducted in such a way as to minimise potential embarrassment or distress.

Personal searches

When a person is suspected of concealing illegal or other unauthorised drugs, it is not appropriate for a member of staff to carry out a personal search; this includes the searching of outer clothing and inside pockets. Every effort should be made to persuade the person to hand over voluntarily any drugs, in the presence of a second adult witness. Where the individual refuses and the drug is believed to be illegal, and the school wishes to proceed along formal lines, then the police must be called. The police can conduct a personal search if they believe a crime has taken place, or to prevent harm to themselves or others following an arrest. Schools are not permitted to detain a person without their consent unless a citizen's arrest is made.

Searches of school property

Staff may search school property, for example, pupils' lockers or desks if they believe drugs to be stored there. Prior consent should always be sought. Individuals should be made aware that if consent is refused the school may proceed with a search. However, where consent is refused, the school will need to balance the likelihood that an offence has been committed against the risk of infringing the individual's privacy without just cause.

Searches of personal property

Schools must not search personal property without consent. If the school wishes to search personal property, including pupils' property stored within school property, for example a bag or pencil case within

a locker, they should ask for consent. Where consent is refused they will need to consider, in the case of pupils, notifying parents/carers, who may persuade their child to give consent or if they wish to proceed along formal lines calling the police. After any search involving pupils, parents/carers should normally be contacted by the school, regardless of whether the result of the search is positive or negative (see section 5.5.1).

Source: *DfES, Drugs: Guidance for schools 2004, Section 4 - Good management of drugs within the school community*

We recommend that all drug disposals are undertaken by the Police. Prescription drugs can be returned to pharmacists but suspected illegal drugs are better disposed of by the Police who have clear policies for doing so.

In the case of suspected illegal drugs it is recommended that these are stored in a suitably secure place for collection by the Police as soon as reasonably practicable. This is in order that the drug can be identified and disposed of correctly. (Drugs bags and a drugs register will be provided by the Police for this process).

We recommend that all schools record details of any substance misuse/drug incidents, in particular seizures of substances.

Advice can be obtained via the Youth Interventions Officer. However, where specific incidents occur that require immediate attention, these will normally be dealt with by Sector Patrol Officers or Neighbourhood Beat Managers.

All seizures should be witnessed and corroborated by a second member of staff. This protects the integrity of staff against any possible allegations. If the substance seized is retained for the Police, it must be held securely prior to collection by the Police as soon as possible. It is recommended that a separate lockable container is used for this purpose with limited access by two senior members of staff. Once notified, the Police will arrange collection of the drugs.

3.2 Level Two - Partnership Investigation

Working in partnership

Schools and the police should build a trusting partnership. Schools should liaise closely with their local police or Safer School Partnership (SSP) officer where they exist, to ensure that there is an agreed policy based on local protocols for dealing with the range of incidents that might arise. This will clarify roles and mutual expectations before incidents occur. The following criteria should be agreed with the police and clearly set out in the school drug policy:

- ◆ *when an incident can be managed internally by the school*
- ◆ *when the police should be informed or consulted*
- ◆ *when the police should be actively involved*
- ◆ *when a pupil's name can be withheld and when it should be divulged to the police.*

However, there may be a very small number of incidents where the Police need to take action, irrespective of agreed protocols or the wishes of the school.

Schools should feel able to contact the Police to discuss a case and ask for advice without needing to divulge a pupil's name. Schools should contact the designated Officer, named in the drug policy, with whom a relationship has been built. 999 should only be called in emergencies. Good links will also need to be made with the Youth Offending Team (YOT) (see section 5.4.2).

Source: DfES, *Drugs: Guidance for schools 2004*, Section 4 - Good management of drugs within the school community

Where a suspect substance is found in a person's possession or in other circumstances where a 'possession offence' is identified, if, in the opinion of the school, the offence is minor, the school should be able to handle the matter internally by dealing with the individual under its own discipline procedure. This also relates to illegal drugs found in a person's possession, however, this would typically be for isolated offences of a 'minor' nature subject to School Policy.

Minor Offence

In respect of illegal drugs, the interpretation of the term 'minor' will be left loose. This is to allow some flexibility and to avoid legislating for every conceivable seizure.

A minor offence is defined as possession of a small amount of Cannabis Resin (approximately the size of a thumbnail) for personal use only and first offence. Possession of all other drugs, i.e. Cocaine, Heroin and Amphetamine, Ecstasy and/or possession with intent to supply Cannabis is not a 'minor' offence

If this is not a first offence and the young person has previous involvement in drugs the matter may be subject to the Youth Offending Policy.

'However, there may be a very small number of incidents where the police need to take action, irrespective of agreed protocols or the wishes of the school'.

Source: DfES, *Drugs: Guidance for schools 2004*

In the case of all incidents in school involving illegal drugs, the local Neighbourhood Beat Manager or Youth Interventions Officer should be informed of the incident, even if it is considered minor and the school deals with the matter internally.

The ACPO Cannabis Enforcement Guidance September 2003 Section 2.4 states:

'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'.

This guidance would appear to conflict with this protocol, however the 'Crime Recording by Police Officers Working in Schools February 2004' state in Section 5:

[5] In order to sustain the disciplinary authority of schools, this guidance clarifies the general principles of NCRS as they apply specifically to incidents on school premises. Police Officers who witness or who have reported to them an incident which took place on school premises and which they would normally record as a notifiable offence will, in the first instance, not create a crime record for such an incident until or unless:

- (a) They judge it to be a serious incident as defined below;*
- (b) Having brought the matter to the attention of the school in line with good practice (see references to guidance papers below), they receive a formal request from the school to create a crime record; or*
- (c) The child, parent or guardian or the child's representative asks the Police to create a crime record.*

'Crime Recording by Police Officers Working in Schools February. 2004' - DfES & ACPO

The Police and Criminal Evidence Act 1984, Code C states pupils should not be arrested on school premises unless it is unavoidable and that interviews should take place at schools only in exceptional circumstances in the presence of an appropriate adult.

This protocol therefore interprets this guidance to mean that a Police Officer does not have to arrest for minor possession if the school has dealt with the incident. Unless the school request that a crime record is created, or the incident is reported by a parent with a request that a crime record is created and in any case this arrest should not be on school premises unless unavoidable.

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.

ACPO Cannabis Enforcement Guidance September 2003

Where a school has dealt internally with a minor offence and does not wish an individual to be named, it may present an opportunity for staff to pass information to the Police. For example, the age and gender of the young person and the suspected substance involved, which may assist the Police in building up a local picture.

This is in accordance with the DfES - Drugs: Guidance for schools, Dfes/0092/2004.

'Schools have no legal obligation to report an incident involving drugs to the police. Nevertheless, not informing the police may prove to be counter-productive for the school and wider community. The police should, however, be involved in the disposal of suspected illegal drugs (see section 4.7).

We recommend that all illegal drug disposals are undertaken by the police. Prescription drugs can be returned to pharmacists but suspected illegal drugs are better disposed of by the police who have clear policies for doing so'.

A guide in the case of all illegal drugs

- ◆ possession of all Class A drugs, i.e. Ecstasy, Heroin, LSD, Cocaine and Crack Cocaine, should not be considered as 'minor' and should be reported to the Police.
- ◆ possession of Amphetamine, although a Class B drug should also be reported to the Police.
- ◆ possession of Cannabis - if it is a small amount (approximately the size of a thumbnail) and it is for personal use and the young person has not offended before, this might be considered 'minor'.

The Police will endeavour to identify all illegal drugs found by schools and will arrange for their suitable disposal. The Police will provide this facility without cost on the basis that if the school is satisfied that it is a minor matter, and that they wish to deal with it by taking no further action and by internal discipline, we will respect their right to do so. Formal analysis will only be undertaken if a prosecution is considered or at the request of the Police.

School Managers have a responsibility to prevent illegal drug misuse and could be liable under Section 8 of the Misuse of Drugs Act 1971 if they do not take action where illegal drug taking is knowingly permitted on the premises. See Section 4.4 - DfES, Drugs: Guidance for Schools 2004

It is the responsibility of the school to inform parents and governors of substance misuse incidents, except where there is a duty on the Police to involve parents/guardians when interviewing children.

All persons have a defence in law to the possession of illegal drugs under certain circumstances. This can be used to protect teachers and other school staff. The Misuse of Drugs Act 1971 allows a person to take possession of a controlled drug to prevent another committing an offence. However, the defence only permits them to either destroy that controlled drug or to deliver it to the Police as soon as practicable. Any retention beyond a reasonable timescale could be deemed unlawful. See Section 4.7 - DfES, Drugs: Guidance for Schools 2004

Where a suspected illegal drug is found in a person's possession and it is considered by the school to be a 'minor' offence, or in other circumstances where a 'possession offence' is identified AND the Police are informed, the Police response will be to liaise with the school with regard to their policy and the circumstances surrounding the offence before a decision is taken whether the Police will conduct an investigation.

Any decision regarding subsequent action in respect of a 'minor' offence, whether by the Police or school, will be taken jointly. Consideration will be given to the involvement of other appropriate agencies. Wherever possible, the views of the school will be upheld, in certain circumstances, if this is not a first offence and the young person has previous involvement in drugs the matter may be subject to the Youth Offending Policy.

'However, there may be a very small number of incidents where the Police need to take action, irrespective of agreed protocols or the wishes of the school'.

Source: DfES, Drugs: Guidance for schools 2004

Where it is decided that the Police will take formal action, the young person will not normally be arrested or interviewed at the school. Given the small number and availability of YIO's, Sector Patrol Officers or Neighbourhood Beat Managers will attend the school, obtain evidence by way of statements and seize the suspect illegal drug. Arrangements will be made with the young person to attend a local Police Station with an appropriate adult for interview.

Any police decision, particularly in relation to decisions as to Reprimand, Final Warning or court action, will be made in conjunction with the Youth Justice Case Review Section.

3.3 Level Three - Police Investigation

Where the circumstances surrounding a finding of illegal drugs indicate more serious, widespread or persistent offences, the Police will formally investigate the incident, with assistance from the school. This will normally be conducted by Sector Patrol Officers or Neighbourhood Beat Managers. In addition, where it is suspected that such offences are being committed, other resources may be considered to assist in the detection of these offences. These measures may include the use of drugs dogs and surveillance. Guidance concerning the use of Police drugs dogs within schools is included in this document at Appendix C. Specific operations undertaken at schools to determine the extent of a perceived illegal drugs problem will only be planned following full consultation with the Head Teacher of the school.

'Serious offences' would include where the substance is suspected to be a Class A drug such as Ecstasy, Heroin, Cocaine, LSD and Crack Cocaine, or Amphetamine (Class B). Supply of any illegal drug could also constitute a serious offence. It should be noted that 'supply' does not necessarily require that payment be made.

In these more serious cases, Police Officers will attend the school, evidence will be seized, statements taken and the young person may be arrested. The home address may be searched and the young person interviewed at a Police Station in the presence of an appropriate adult.

Following the Police investigation, consultation may be undertaken with other agencies, where appropriate, and all decisions relating to charging, Reprimand or Final Warning will be referred to the Youth Justice Case Review Section. The Final Warning Scheme, introduced across England and Wales in 2000, created a system of Reprimands and Final Warnings for 10-17 year old offenders. Depending on the seriousness of the offence, a Reprimand is normally given for a first offence and a Final Warning for a second offence. Following a Final Warning, the Police have a statutory duty to refer the young person to the Youth Offending Team (YOT). If a young person who has been given a Final Warning commits a further offence he or she must be charged.

Initial Police response to requests from schools should be appropriate to the circumstances. In incidents where advice is sought, this should normally be via the Youth Interventions Officer. In all other routine incidents Sector Patrol Officers or Neighbourhood Beat Managers will be tasked to deal.

Unless it requires urgent attention the response to drug incidents will be a routine response:

ROUTINE RESPONSE (COMMUNICATIONS):

“Where a call can be delayed to a time convenient to Police and public, and the resource will be deployed by the Communications Centre.”

3.4 Confidentiality

Schools will be given advice, and action will be taken, in confidence to avoid undue publicity and to maintain a co-ordinated partnership approach. The Police will be sensitive to the role that the media can have in maintaining confidentiality.

The Police will not issue press releases for seizure of drugs at schools without the prior knowledge of Head Teachers, except in cases of concern for public safety or where investigation into a serious offence may otherwise be jeopardised. In such a case, the consent of a Police Basic Command Unit (BCU) Senior Management Team member should be sought. Normally any media response should be jointly agreed by the school and Police prior to release.

It is the responsibility of Head Teachers to inform the Local Education Authority of illegal drug incidents occurring within schools. Youth Interventions Officers may share this information as a part of partnership working.

3.5 Contacting the Police

The decision to contact the Police should be made at the earliest opportunity. A delay in communication is likely to result in vital evidence being lost. When a Police Officer is required to attend in response to a 'non emergency' drug related incident, please call 08452 777444 who will contact the appropriate department for an Officer to attend. A Police incident log will be created in relation to the request. The school will be provided with a reference number for that incident log. **IN AN EMERGENCY CALL '999'**

See Appendix D - 'Contacting The Police' Flowchart

3.6 Youth Interventions Officer

For general information and advice on local issues and to discuss any drug-related matter, contact the YIO for your area.

3.7 Form 121(a) and Crime Recording

In instances where a police officer is informed of an incident involving a child or young person, a Form 121A should be submitted. The new National Crime Recording Standards dictate that certain crimes may now have to be formally recorded.

See Appendix E - Crime recording by police officers working in schools.

Types of Incident and Suggested Procedures

Source: Section 4 DfES, Drugs, Guidance for schools 2004

4.1 Medicines/alcohol/volatile substances found on school premises:

- ◆ Confiscation and disposal of other unauthorised drugs

Schools will need to agree procedures for managing confiscations of other unauthorised drugs. The presence of a second adult witness is advisable.

Alcohol and tobacco

Parents/carers should normally be informed and given the opportunity to collect the alcohol or tobacco, unless this would jeopardise the safety of the child.

Volatile substances

Given the level of danger posed by volatile substances schools may arrange for their safe disposal. Small amounts may be placed in a bin to which pupils do not have access, for example a bin within a locked cupboard.

Medicines

Disposal of medicines held at school should be covered in the school's medicines policy. Parents/carers should collect and dispose of unused or date-expired medicines

- ◆ Take possession, seek a witness, record details of venue, time and date and either dispose appropriately or store securely in the case of suspected illegal substances.
- ◆ What is the substance? Police can advise and remove items for disposal/storage in the case of suspected illegal substance.

4.2 Suspected illegal drugs found on school premises

- ◆ The law permits school staff to take temporary possession of a substance suspected of being an illegal drug for the purposes of preventing an offence from being committed or continued in relation to that drug providing that all reasonable steps are taken to destroy the drug or deliver it to a person lawfully entitled to take custody of it. In taking temporary possession and disposing of suspected illegal drugs schools are advised to:
 - ◆ ensure that a second adult witness is present throughout
 - ◆ seal the sample in a plastic bag and include details of the date and time of the seizure/find and witness present.
 - ◆ store it in a secure location, such as the school safe or other lockable container with access limited to two senior members of staff.
 - ◆ without delay notify the Police, who will collect it and then store or dispose of it in line with locally agreed protocols. The law does not require a school to divulge to the Police the name of the pupil from whom the drugs were taken. Where a pupil is identified, the Police will be required to follow set internal procedures
 - ◆ record full details of the incident, including the Police incident reference number
 - ◆ inform parents/carers, unless this would jeopardise the safety of the pupil.

- ◆ School staff should not attempt to analyse or taste unknown substances. Police can advise on analysis and formal identification, although this is normally carried out only if it will be required as evidence within a prosecution.
- ◆ If formal action is to be taken against a pupil, the Police should make arrangements for them to attend a local Police Station accompanied by an appropriate adult for interview. Only in exceptional circumstances should arrest or interviews take place at school. An appropriate adult should always be present during interviews, preferably a parent/carer or duty social worker.
- ◆ **School trips**

Schools should determine their policy on the disposal of suspected illegal drugs while on school trips and ensure that this policy is clearly understood by all. For example, adherence to rules relating to illegal and other unauthorised drugs may be part of the consent form signed by the pupil or parent/carer prior to the trip. Schools may also wish to insert a clause that if a pupil breaches the rules and is returned home, parents/carers will need to meet the cost of these arrangements. While on centre-based residential trips in this country, schools are advised to follow the procedures outlined above or those of the centre being visited. Schools should be aware, however, that laws on drugs and policing arrangements vary widely in other countries. Schools should ensure that they (and all participants on the trip) are fully aware of these differences before departure, and should have considered in advance how they will respond to any drug incident. For in-country advice schools should contact British embassy or consulate staff.

Source: DfES, Drugs: Guidance for schools 2004 Section 4

4.3 A member of staff suspects a pupil of being under the influence of drugs/alcohol/solvents

- ◆ **Medical emergency -**
 - Call for medical help/ambulance
 - Follow first aid procedures until help arrives
- ◆ **No medical emergency -**
 - Keep pupil calm and under observation
 - If intoxicated consider asking parent/carer to collect child
- ◆ Check if the pupil is legally entitled to be in possession of the drug/substance
- ◆ Check if the drug/substance is suspected to be illegal and/ or in breach of school discipline code - seek Police advice if needed
- ◆ Take possession and store securely. See below - personal searches

- ◆ **Personal searches**

DfES guidance is that it is not appropriate for a member of to carry out a personal search. Every effort should be made to persuade the person to hand over voluntarily any drugs, in the presence of a second adult witness. Where the individual refuses and the drug is believed to be illegal, and the school wishes to proceed along formal lines, then the Police must be called. The Police can conduct a personal search if they believe a crime has taken place, or to prevent harm to themselves or others following an arrest. Schools are not permitted to detain a person without their consent unless a citizen's arrest is made.

Source: DfES, Drugs: Guidance for schools 2004 Section 4

- ◆ **Searches of school property**

Staff may search school property, for example, pupils' lockers or desks if they believe drugs to be stored there. Prior consent should always be sought. Individuals should be made aware that if consent is refused the school may proceed with a search. However, where consent is refused, the school will need to balance the likelihood that an offence has been committed against the risk of infringing the individual's privacy without just cause.

Source: DfES, Drugs: Guidance for schools 2004 Section 4

- ◆ **Searches of personal property**

Schools must not search personal property without consent. If the school wishes to search personal property, including pupils' property stored within school property, for example a bag or pencil case within a locker, they should ask for consent. Where consent is refused they will need to consider, in the case of pupils, notifying parents/carers, who may persuade their child to give consent or if they wish to proceed along formal lines calling the Police. After any search involving pupils, parents/carers should normally be contacted by the school, regardless of whether the result of the search is positive or negative.

Source: DfES, Drugs: Guidance for schools 2004 Section 4

4.4 A teacher has information that offences of supply or sale of alcohol/cigarettes/solvents/illegal substances are taking place in local area

- ◆ Investigate what has happened - speak to pupils to establish the facts. Treat sensitively and consider the confidential nature of the information given.
- ◆ If alcohol, tobacco or solvents the school may wish to inform the Police or Trading Standards Officers.
- ◆ It is recommended that the school inform the Neighbourhood Beat Manager or Youth Interventions Officer so that action can be taken to protect the young people in the vicinity of the school, and to identify trends. In the case of illegal drugs this should be done at the earliest available opportunity.

4.4 The school wishes to inform Police of an incident that has been resolved within the school

- ◆ The Neighbourhood Beat Manager or Youth Interventions Officer should be informed. It should be noted that teachers are under no legal obligation to report incidents or disclose the identity of those involved. However, an apparent isolated incident at school may be only part of a wider picture (See Appendix B).
- ◆ Where a school has dealt internally with a minor offence and does not wish an individual to be named, it may present an opportunity for staff to pass information to the Police. E.g. the age and gender of the young person and the suspected substance involved, which may assist the Police in building up a local picture (See Appendix B).

4.5 A pupil discloses that:

- ⇒ **he or she is using drugs/alcohol/solvents**
- ⇒ **parents/carers/relatives are misusing/selling drugs/alcohol/solvents**
- ⇒ **friends are misusing/selling drugs/alcohol/solvents**
- ◆ Treat sensitively, ensuring there is a balance struck between the needs of the pupil and those of the school - give consideration to issues of confidentiality and establishing the truth. It should be remembered that total confidentiality cannot be offered.
- ◆ Offer further advice/information. Further action may not be necessary for all disclosures e.g. smoking. Consider whether drug use could be problematic or indicate other problems requiring further action.
- ◆ Consider issues of confidentiality and explain issues to pupil involved. Who else may need to be informed? Giving consideration to possible childcare issues and support through pastoral provisions.
- ◆ If there is concern that a pupil or another child is at risk of significant harm, referral through the Child Protection procedures or Social Services referral must be considered.
- ◆ Consider consulting the Youth Interventions Officer or equivalent for advice and support.

4.6 The school is considering requesting the use of a drug dog on school premises

- ◆ Please refer to the Police Education Liaison Group Drug Dog Risk Assessment Guidelines 0904 and the DfES - Drugs, Guidance for Schools 2004.

4.7 In All Incidents

- ◆ **Record all decisions and monitor the outcome for the pupil and school community. Review effectiveness of policy and practice.**
- ◆ **Consider reviewing the curriculum provision, including the involvement of other agencies as part of Personal, Social & Health Education (PSHE).**

- ◆ Consider informing parents or legal guardians in appropriate incidents.
- ◆ Consider consulting LEA Drug Education or PSHE Advisers for advice and support.

Drug Education Advisers

The Cornwall, Devon, Isles of Scilly, Plymouth and Torbay LEA Drug Education Advisers are assisting schools by:

- ◆ Providing support and advice in developing Drug Education Programmes and Incident Management Policies.
- ◆ Identifying needs and gaps in service provision.

Please use these contact details to access this support:

<p>CORNWALL Cornwall Healthy Schools Scheme Drug Adviser Health Promotion Service The Kernow Building Wilson Way, Pool REDRUTH TR15 3QE Telephone: 01209 313419</p>	<p>DEVON Healthy Schools - Drug Education Adviser Devon Curriculum Services Great Moor House Bittern Road, Sowton EXETER EX2 7NL Telephone: 01392 385352</p>
<p>ISLES OF SCILLY Isles Of Scilly LEA Town Hall St. Mary's ISLES OF SCILLY TR21 0LW Telephone: 01720 422537</p>	<p>PLYMOUTH Schools Drug Adviser Education Department Plymouth City Council, Civic Centre PLYMOUTH PL1 2AA Telephone: 01752 307489</p>
<p>TORBAY Citizenship & PSHE Co-ordinator Torbay Council - School Standards Fernham, Manor Crescent PAIGNTON TQ3 2TE Telephone: 01803 559395</p>	

Aide Memoire for Police Officers

Incidents in school should be dealt with sensitively with Officers being receptive to the school's needs and objectives. Arrest should be avoided if possible, with all options being considered. However if the offence is of possession with intent to supply then arrest may be the only option.

Recommended Procedures

- ◆ **Small amount of Cannabis found** - school may wish to deal using their own internal procedures.
- ◆ If you witness the incident, take pupil to Head Teacher, Principal or most senior member of staff on duty.
- ◆ Use other members of staff, instead of any witness to the incident, as an appropriate adult.
- ◆ Search - Section 23 of the Misuse of Drugs Act 1971 if appropriate.
- ◆ Consider all options in line with the Force Guidelines including 'no further action' where appropriate, consulting a supervising officer if necessary.
- ◆ Consider informing the parents or legal guardians.
- ◆ Consult ACPO/DfES guidelines on Crime Recording by Police Officers Working in Schools, at Appendix E of this document.

Action required - seize drugs, pocket book entry or OIS log/crime report/121A, detailing actions taken by school or officer.

- ◆ **Large amount and/or Class A and/or supply** - this will be dealt with by the Police.

Action required - Police and Criminal Evidence Act 1984, Code C states pupils should not be arrested on school premises unless it is unavoidable and that interviews should take place at schools only in exceptional circumstances in the presence of an appropriate adult. Please note details of any interview made by a teacher may be treated as unused evidence subsequently. If circumstances dictate arrest at school ensure that appropriate action is taken in informing appropriate adult. Ensure 121(a) completed and intelligence submitted.

Drugs Identification Guide

Substance	Possible Physical Side Effects	What To Look For
SOLVENTS, GASES and household substances	Immediate in effect. Extreme 'drunkenness', disorientation, blank expression. Chemical smell on breath. Impairment of mental and physical state. Coughing, sniffing, etc. Many deaths recorded, especially in young people. Avoid enforced physical exertion.	Containers for glues, aerosols, cleaning fluids, etc., plastic bags used for inhaling.
PRESCRIBED MEDICINES are commonly misused	Barbiturates, tranquillisers, anabolic steroids, sleeping pills, slimming pills, painkillers - changing behaviour varying according to type and intended use of drug.	Tablets and capsules appearing. Prescribed pills disappearing.
CANNABIS	Large doses: lethargy, confusion, disorientation, paranoia and panic. Small amounts can affect learning ability and skills such as driving. Can result in relaxed inhibitions, talkativeness and excitability.	Strong, sweet sickly smell when smoked. Cigarette ends made from rolled cards. Herbal and resinous substances. Small plastic packages, home made pipes.
ECSTASY, MDMA and similar compounds	'Rush' similar to amphetamine. Feeling of well-being and friendship, panic and depression. Often used in the dance scene to remove inhibition and increase energy. Can lead to heat stroke and extreme thirst.	Powder, tablet or capsule form. Much of ecstasy sold is adulterated with other drugs or is false.
AMPHETAMINE	Increased alertness, nervous excitability and energy. Increased pulse rate and loss of appetite. Followed by low of irritability, depression and tiredness.	Can be injected or sniffed. Most often found in brightly coloured tablet or powder form.
COCAINE and CRACK COCAINE	Short term feeling of intense pleasure. Often followed with rebound effect of moodiness and depression. An increased heart rate and blood pressure. Pupils dilated - can be associated with eating disorders	Straws, home made pipes and water coolers. White powder, small quantities of broken white 'marble-like' substance. Mainly, smoked or sniffed.
LSD, magic mushrooms and other hallucinogens	Heightened sensory appreciation, illusions, hallucinations and disorientation. It can be either pleasant or extremely disturbing. Can take the form of an 'out of body trip'. Flashback experiences can occur over a period of time.	Small paper squares often with printed designs such as strawberries, cartoon or cult characters. Microdot tablets, small mushrooms.

Substance	Possible Physical Side Effects	What To Look For
HEROIN, methadone and other opiates	Euphoria, followed by drowsiness and contentment. Reduced reaction to pain and discomfort. An addictive drug. Self neglect and poor personal hygiene, loss of appetite, watery eyes, running nose, sores and needle marks.	Burnt foil or spoons, hypodermic syringes or needles. Brown powder or usually green liquid. . Can be injected smoked or swallowed.

Appendix A

Drug Situations - Medical Emergencies

The procedures for an emergency apply when a person is at immediate risk of harm. A person who is unconscious, having trouble breathing, seriously confused or disoriented or who has taken a harmful toxic substance, should be responded to as an emergency.

Your main responsibility is for any pupil at immediate risk, but you also need to ensure the well-being and safety of others. Put into practice your school's first-aid procedures. If in any doubt, call medical help.

Always:

- ◆ assess the situation
- ◆ if a medical emergency, send for medical help and ambulance.

Before assistance arrives

If the person is conscious:

- ◆ ask them what has happened and to identify any drug used
- ◆ collect any drug sample and any vomit for medical analysis
- ◆ do not induce vomiting
- ◆ do not chase or over-excite them if intoxicated from inhaling a volatile substance
- ◆ keep them under observation, warm and quiet.

If the person is unconscious:

- ◆ ensure that they can breathe and place in the recovery position
- ◆ do not move them if a fall is likely to have led to spinal or other serious injury which may not be obvious
- ◆ do not give anything by mouth
- ◆ do not attempt to make them sit or stand
- ◆ do not leave them unattended or in the charge of another pupil
- ◆ notify parents/carers

For needle stick (sharps) injuries:

- ◆ encourage wound to bleed. Do not suck. Wash with soap and water. Dry and apply waterproof dressing
- ◆ if used/dirty needle seek advice from a doctor.

When medical help arrives

- ◆ pass on any information available, including vomit and any drug samples.

Complete a medical record form as soon as you have dealt with the emergency.

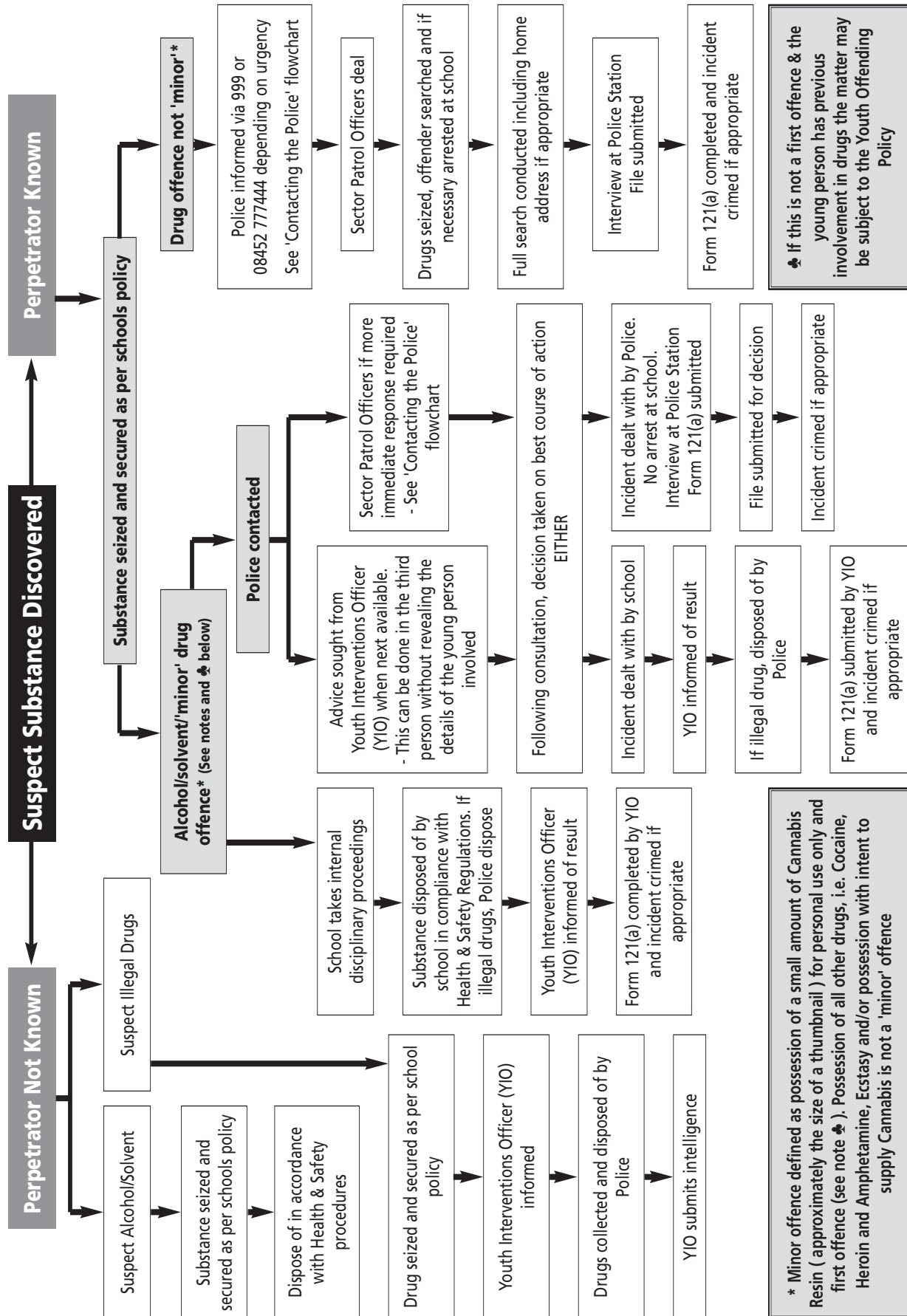
(Adapted from: The Right Responses [DrugScope, 1999])

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

Source: DfES, Drugs: Guidance for Schools 2004

Appendix B

Substance Use in Educational Establishments



Appendix C

Record of Incident Involving Unauthorised Drug

1. For help and advice, telephone the LEA. **2.** Complete this form WITHOUT identifying the pupil involved. **3.** Copy the form. **4.** Send the copy within 24 hours of the incident to the LEA. **5.** KEEP the original, adding the pupils name and form - store securely.

Tick to indicate the category:

- | | | | |
|--|--------------------------|--|--------------------------|
| Drug or paraphernalia found ON school premises | <input type="checkbox"/> | Pupil disclosure of drug use | <input type="checkbox"/> |
| Emergency/Intoxication | <input type="checkbox"/> | Disclosure of parent/carer drug misuse | <input type="checkbox"/> |
| Pupil supplying unauthorised drug on school premises | <input type="checkbox"/> | Parent/carer expresses concern | <input type="checkbox"/> |

Name of pupil*: Name of school:

 Pupil's form* (*For school records only)
 Age of pupil:..... Male/Female Time of incident: am/pm
 Ethnicity of pupil**: Date of incident:
 Tick if second or subsequent incident involving same pupil:

First aid given? YES/NO Ambulance/doctor called? YES/NO *(Delete as necessary)*
 First aid given by: Called by:

Drug involved *(if known)*: Drug found/removed? YES/NO
 (e.g. alcohol, paracetamol, ecstasy) Where found/seized:

Senior staff involved:	Name and signature of witness:.....
	Disposal arranged with <i>(police/parents/other)</i> :
	At time: If police, incident ref. no.:

Name of parent/carer informed*: *(*For school records only)*
 Informed by: At time:

Brief description of incident *(including any physical symptoms)*:

Other action taken *(e.g. Connexions or other agency involved, Educational Psychologist report requested, case conference called, pupils/staff informed, sanction imposed, LEA/GPI/Police consulted)*:

(continue on blank sheet if necessary)

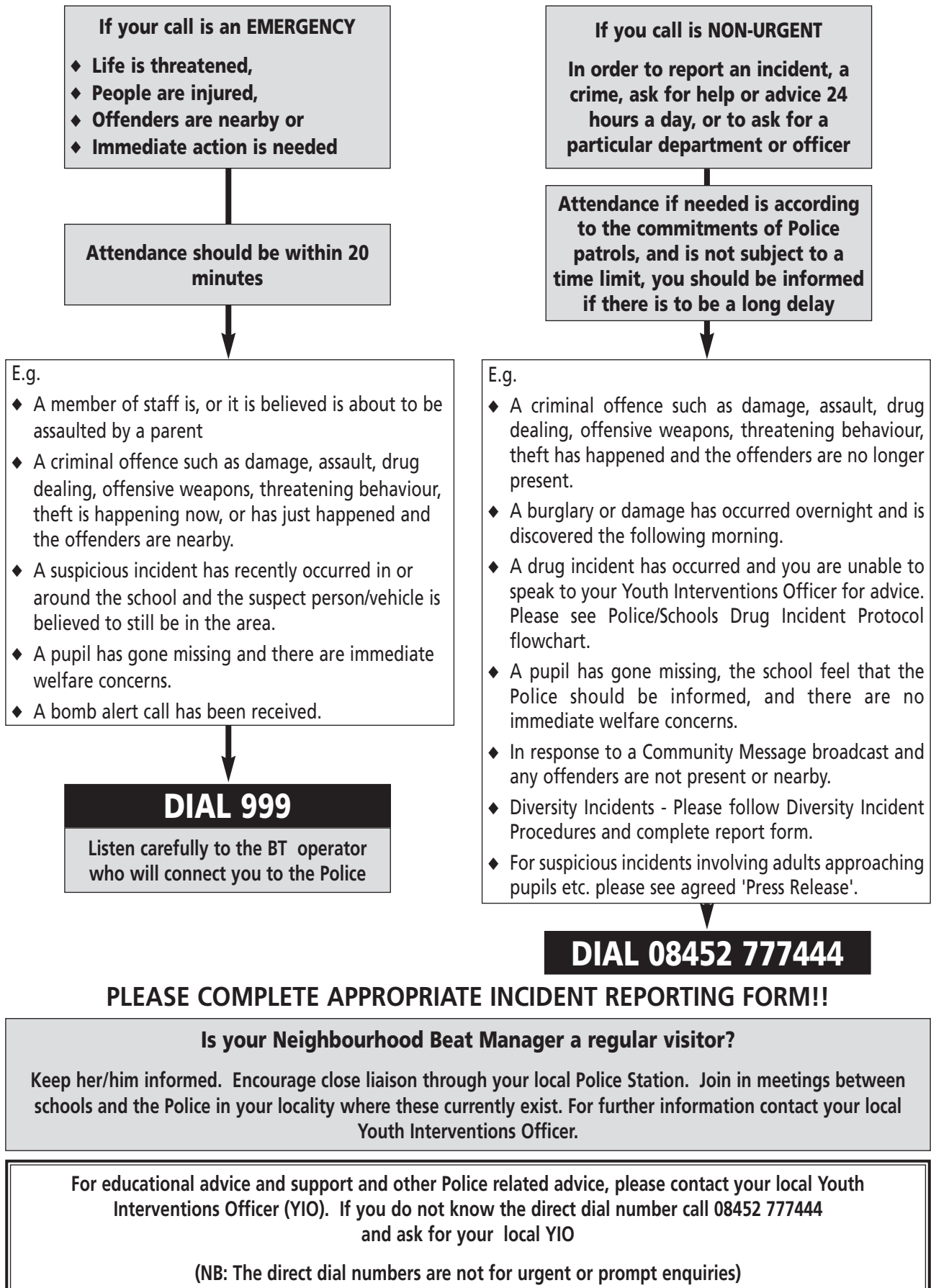
****Categories:** British, Irish, Other white background : White & Black Caribbean, White & Black African, White & Asian, Other mixed background : Indian, Pakistani, Bangladeshi, Other Asian background : Caribbean, African, Other Black background : Chinese, Any other ethnic group : Not stated.

(Adapted from: The Right Responses [DrugScope, 1999])

Source: DfES, Drugs: Guidance for Schools 2004 - Appendix 11

Appendix D

Contacting the Police - Educational Premises



Appendix E

Crime Recording by Police Officers Working in Schools**Crime Recording by Police Officers Working in Schools**

**A note for all those working with schools in England
about the National Crime Recording Standard**

February 2004

**Jointly issued by: Department for Education and Skills
Home Office
Association of Chief Police Officers**

- [1] The Association of Chief Police Officers, Department for Education and Skills and the Home Office developed this note as part of a joint approach to address crime recording by Police Officers working in schools in England. It has been agreed by the Home Office National Crime Recording Steering Group (NCRSG). The note presupposes that it remains the responsibility of School Managers and staff, not Police Officers, to deal with and record behavioural incidents involving children and young people on a school site in the first instance, even though it may be decided later that some cases amount to criminal conduct.

Introduction

- [2] In April 2002, the Police Service in England (and Wales) adopted the National Crime Recording Standard (NCRS). It governs the way in which the Police record crime. Under this standard, the Police will record an incident as a crime (notifiable offence) if, on the balance of probability:-

- [a] the circumstances as reported amount to a crime defined by law (the Police will determine this, based on their knowledge of the law and counting rules); and
[b] there is no credible evidence to the contrary.

- [3] The Police Service is developing the work it carries out within schools. This is beneficial to the Police and to schools, and the Government encourages it - see Internet links below to find advice on closer Police / school liaison. At the same time, it remains important that Police Officers conform to and do not usurp the disciplinary authority of a school.

- [4] The Government and Police forces are committed to maximising co-operation and negotiation, and minimising any risk of conflict between points [2] and [3] above. Clearly, a Police Officer could either witness directly, or be informed about, an incident taking place which would normally result in the Officer recording it as a crime.

- [5] IN ORDER TO SUSTAIN THE DISCIPLINARY AUTHORITY OF SCHOOLS, THIS GUIDANCE CLARIFIES THE GENERAL PRINCIPLES OF NCRS AS THEY APPLY SPECIFICALLY TO INCIDENTS ON SCHOOL PREMISES. POLICE OFFICERS WHO WITNESS OR WHO HAVE REPORTED TO THEM AN INCIDENT

WHICH TOOK PLACE ON SCHOOL PREMISES AND WHICH THEY WOULD NORMALLY RECORD AS A NOTIFIABLE OFFENCE WILL, IN THE FIRST INSTANCE, NOT CREATE A CRIME RECORD FOR SUCH AN INCIDENT UNTIL OR UNLESS:-

- [d] They judge it to be a serious incident as defined below;
- [e] having brought the matter to the attention of the school in line with good practice (see references to guidance papers below), they receive a formal request from the school to create a crime record; or
- [f] the child, parent or guardian or the child's representative asks the Police to create a crime record.

Schools' responsibilities for recording incidents

[6] THE EMPLOYER (IN MOST SCHOOLS, THE LOCAL EDUCATION AUTHORITY) HAS A STATUTORY OBLIGATION TO REPORT TO THE HEALTH AND SAFETY EXECUTIVE ANY INCIDENT WHICH LEADS TO AN EMPLOYEE BEING ABSENT FROM WORK FOR THREE DAYS OR MORE. VIOLENCE TO OTHER PUPILS OR STAFF, CRIMINAL DAMAGE TO PROPERTY OF THE SCHOOL OR OF PEOPLE IN THE SCHOOL, THEFT, DISORDER OR SUBSTANCE MISUSE ARE ALL MATTERS THAT SCHOOLS WILL WANT TO ADDRESS, AND FOR WHICH SCHOOLS WILL THEREFORE NEED PROPER RECORDING PROCEDURES. TO ASSIST BOTH EDUCATION STAFF AND POLICE OFFICERS IN RESPONDING TO INCIDENTS, IT IS USEFUL TO REFER TO GUIDANCE WHICH THE DEPARTMENT FOR EDUCATION AND SKILLS HAS ISSUED TO SCHOOLS ON RECORDING INCIDENTS, IN PARTICULAR:-

- ◆ **'Dealing with Troublemakers'**, joint School Security guidance with the Home Office (1997), under "co-operation between Police and schools", advises on reporting and recording incidents, including specifically incidents of racial harassment, and provides a model of an incident report form;
- ◆ **'A Legal Toolkit for schools'** (2002) underlines that it is good practice to record all incidents of abuse, threatening behaviour or violence against any members of a school community, and that Health and Safety Regulations may require an employer, in cases of injury to staff from assault, to make a report to the Health and Safety Executive;
- ◆ **'Social inclusion: pupil support'** (1999) statutory guidance issued jointly with the Home Office, Department of Health and Social Exclusion Unit, advises schools to record all racial incidents, and inform parents and Governors of the incident and the steps taken to deal with it. Governing bodies should inform LEAs annually of the pattern and frequency of such incidents. The anti-bullying guidance [below] repeats that anti-bullying policies should cover racist bullying and that all incidents should be recorded;
- ◆ **'Bullying - Don't Suffer in Silence'** (2000, revised 2002) says that Head Teachers must by law have a policy to prevent all forms of bullying among pupils, and advises that a policy should include how to record bullying: for serious incidents, 'keep accurate records of incidents, and the school response, to help with proceedings and protect the school from legal action';

- ◆ **'Drugs: guidance for schools'** (February 2004, ref DfES/0092/2004) recommends action by Head Teachers, Chairs of Governors and LEAs, and says that while schools have no legal obligation to report an incident involving illegal drugs to the Police, not informing the Police may prove to be counter-productive for a school and its wider community. The Police should be involved in the disposal of suspected illegal drugs, and schools should liaise closely with their local Police to agree a policy for dealing with the range of incidents that might arise. The guidance recommends criteria to agree with the Police for a school drug policy, including when the Police should be informed or consulted, or actively involved, and when in a very few cases the Police may decide to act regardless of a school's preferences. <http://www.teachernet.gov.uk/wholeschool/behaviour/drugs/>
- ◆ **DfES 'Advice on Whole School Behaviour and Attendance Policy'** in Key Stage 3 training materials sent to all schools, states (paragraph 41): 'All schools' behaviour policies must make clear that racial harassment will not be tolerated and must say how staff and pupils will deal with it. The school should record all **racist incidents** (a footnote draws attention to a definition from the Stephen Lawrence Enquiry); parents and Governors should be informed of such incidents and action taken to deal with them. Governing bodies should inform local education authorities annually of the pattern and frequency of such incidents.

[7] Schools should lead discussions with representatives of their local Police and should agree a protocol on how they will work together, making use of principles published in 2002 by the Department for Education and Skills after consulting key partners. Among other benefits, protocols create a framework for Police and schools, which should reduce the frequency of possible differences of view on individual cases. They also provide a mechanism to negotiate on and resolve any differences if they do arise, as they might from time to time. The principles are at: www.teachernet.gov.uk/streetcrime .

The nature and seriousness of incidents in schools

[8] When requested by the school, Officers should consider the nature and seriousness of an incident before deciding whether to officially record the matter, immediately or at a later stage, as a recordable crime. A serious incident is one that meets the definition of a serious arrestable offence in accordance with Section 116 of the Police and Criminal Evidence Act 1984¹. In addition, a serious incident is one which in the view of the child, parent or guardian or the child's representative any incident that has led or is intended to, or is likely to or threatened to lead to serious harm or loss to any school child.

[9] Good practice issued by the Department for Education and Skills emphasises that matters taking place at school should be recorded by the school. When a serious incident (as defined above) occurs, schools and Police should take the following action:-

- [a] The school records the serious incident;
- [b] The school reports the serious incident to the Police;
- [c] The Police Officer records the serious incident as a crime in accordance with the NCRS.

CONCLUDING COMMENTS

[10] IT IS IMPORTANT THAT OFFICERS WORKING IN SCHOOLS CAN SHOW THAT, WHEN IT HAS BEEN AGREED WITH THE SCHOOL TO RECORD AN INCIDENT AS A CRIME, THEY ARE ADHERING TO AN ETHICAL CRIME RECORDING POLICY, AND THAT ONCE A COURSE OF ACTION HAS BEEN AGREED FOLLOWING DISCUSSIONS WITH SCHOOL STAFF, A VICTIM AND HIS OR HER PARENTS, A DETAILED RECORD IS MADE BOTH BY THE SCHOOL AND THE OFFICER OF THE ACTIONS TAKEN. IN THE FIRST INSTANCE, THE SCHOOL AND THE POLICE OFFICER SHOULD MAKE EVERY ATTEMPT TO REACH A CONSENSUS WITH EACH OTHER ON HOW INCIDENTS SHOULD BEST BE DEALT WITH. IT IS IMPORTANT THAT THE SCHOOL AND THE POLICE ARE CONSISTENT IN THEIR APPROACH TO THE RECORDING OF INCIDENTS, AND ACCURATE RECORDS ARE KEPT IDENTIFYING THE NATURE OF THE INCIDENT AND HOW IT WAS DEALT WITH.

[11] THIS NOTE REMAINS SUBJECT TO THE PRINCIPLE THAT IF A VICTIM OF A CRIME, HIS OR HER PARENTS OR THEIR REPRESENTATIVE WISH TO MAKE A FORMAL ALLEGATION TO THE POLICE, THIS MUST BE RECORDED AND INVESTIGATED FORMALLY.

**ASSOCIATION OF CHIEF POLICE OFFICERS
DEPARTMENT FOR EDUCATION AND SKILLS
HOME OFFICE
FEBRUARY 2004**

¹Section 116 specifies a range of offences e.g. some indecent assaults, rape, or carrying firearms with criminal intent; and covers offences which are likely to lead to e.g. serious injury, serious harm to public order, or serious financial loss.