



HARTPURY

OPERATING PROCEDURE NO 7.07 DRUG RELATED INCIDENTS

PURPOSE

1. Hartpury expressly forbids any user of its premises to possess, use, supply or produce any drug or legal high. Hartpury believes that the possession and use of drugs at Hartpury or on Hartpury organised activities is inappropriate and unacceptable.
2. To ensure that incidents relating to students being found in possession, using, supplying and/or producing drugs (as defined by the Misuse of Drugs Act) and/or equipment for using drugs are managed in accordance with the current Hartpury procedure on the management of drug-related incidents. The Misuse of Drugs Act 1971 also allows individuals to take possession of an illegal drug in order to prevent someone else committing an offence, providing they either hand it to the Police or destroy it immediately.
3. Hartpury is committed to the welfare, health and safety of students and will take action to safeguard their wellbeing. Hartpury acknowledges that statistics available indicate the likelihood of students encountering drugs. It is considered important that a clear policy on advice, incident management and behaviour management processes is made available to staff, students and parents/guardians by Hartpury. Hartpury is aware of the need to balance the interests and reputation of the institution, the need to care for and protect students and the need to help those who misuse drugs.
4. This procedure indicates the manner by which Hartpury and its staff will handle any problem which relates to a student being found in possession of, or using, or supplying or producing drugs or equipment for using drugs for a non-medical reason (as defined by the Misuse of Drugs Act).
5. Information brought to the attention of staff in relation to a student's use of drugs outside Hartpury premises will be noted and, although it may be deemed inappropriate to act upon such information, Hartpury will duly investigate as deemed appropriate.
6. Hartpury aims to provide students with the knowledge, attitudes and skills to be able to make an informed decision about drugs through a combination of drugs education and prevention. Sources of advice for those who are involved in drug abuse will be provided by Hartpury in a supportive and non-judgmental manner.
7. In particular, care will be taken to ensure that, as far as is reasonably possible, all information being acted upon is accurate and verifiable and that the student(s) involved are made aware of all allegations being made against them.
8. A Drug is defined as any substance taken into the body which alters the body or mind or both functions.

9. This policy is therefore concerned with the following (but not limited to):
- All Drugs (Class A, B, C) as defined by the Misuse of Drugs Act 1971
 - Prescription drugs if not authorised to possess these
 - Legal Highs (to include substances re-classified under the NPS Act 2016 - such as Spice (synthetic cannabis, Nitrous Oxide)
 - All forms of Cannabis (including CBD infused products)
 - Any related drugs paraphernalia would also be classed as banned items for the purpose of this policy (as endorsing the use or bringing on site of such items would in effect be promoting the use of substances on campus).

The above list is not exhaustive and Hartpury understands that the current climate in respect of drug use and that drug trends are ever changing, and as such will continue to provide good practical education and advice to students as well as fully investigating any incidents that involve the above items and or any other substances (including volatile substances) with a view to minimising the risk to individuals and others and adhering to all safeguarding best practice.

SCOPE

1. All drug or substance-related incidents on Hartpury premises, in Hartpury vehicles or during Hartpury-managed activities on or off site. This document reflects the Department of Education (DoE) and Association of Chief Police Officers (ACPO) guidance on Drugs Advice and “Screening, Searching and Confiscation” (DoE guidance).
2. All enrolled students.

RESPONSIBILITIES

1. The Vice Principal - Resources (or a nominated Senior Manager) is responsible for the operation and management of this procedure and for reporting incidents, as appropriate, to the Vice Chancellor, Principal & CEO.
2. All Hartpury staff who are asked for advice, or who become involved in the management of a drugs-related incident, are responsible for reporting the incident to the Vice Principal - Resources as soon as it is practicable to do so.
3. The Vice Principal - Resources or their nominee will investigate the incident and, if convinced of the validity of the case, will suspend the student(s) involved in accordance with the Hartpury Non-Academic Behaviour Management Procedure.
4. The Residential Safeguarding Manager is responsible in liaison with the Safeguarding & Wellbeing Manager for ensuring that Hartpury staff who, by the nature of their work at the Hartpury (e.g. staff and student wardens), require staff development and training in drug awareness receive such training.
5. All staff must be aware that the Residential Handbook, the Residential Accommodation Licence and the Hartpury Non-Academic Behaviour Management Procedure state that the possession, use, supply and production of illegal drugs and similar substances is strictly prohibited and will lead to immediate suspension and possible dismissal.

METHOD

1. All staff who are asked for advice or who become involved in the management of an incident related to the misuse of drugs will exercise discretion and sensitivity when dealing with the incident, particularly when informing parents/legal guardian(s) or other third parties.
2. All action with regard to reported incidents will go to the Vice Principal - Resources or, in their absence, a member of the Executive who will report the incident to the Vice Chancellor, Principal & CEO where appropriate.
3. The utmost priority should be given to health and safety and to meeting any medical emergencies arising from drug misuse or abuse and summoning appropriate help.
4. The Non-Academic Behaviour Management Procedure will be followed and student(s) concerned will be initially interviewed by the Residential Safeguarding Manager or their nominee to determine the accuracy of information relating to the alleged incident of drug misuse. If the Residential Safeguarding Manager or their nominee is convinced of the validity of the incident, the student(s) will be referred to the Vice Principal - Resources who will suspend the student(s) if they believe there is a case to answer and whilst any further investigations are made. Parents/legal guardian(s) and/or the police will be informed as appropriate.
5. Any materials or equipment confiscated during the course of an incident or following the investigation will be retained, if required, by Hartpury and stored and recorded in an approved manner, prior to being handed over to the police where necessary in accordance with the Hartpury Search and Confiscation Procedure. If it appears that the drug abuse is other than isolated and involves parties outside the Hartpury, the Hartpury Safeguarding team may decide to involve the Police and or other local support agencies. However, there is no legal obligation for Hartpury to report an incident involving drugs to the police (unless supply offences are suspected in which case Hartpury would always inform/consult the Police).
6. A full written record should be kept of any drug incident. Notes should include the time, date, place and people present, as well as what was said and any action subsequently taken. This should all be recorded on Myconcern.
7. The Non-Academic Behaviour Management Procedure outlines the procedure that Hartpury will follow for all drug related incidents.

DRUGS TESTING – OUR APPROACH

Hartpury does not tolerate illegal drug taking or drug abuse and has a policy of taking saliva samples for testing purpose where there is reason to believe an offence has been committed. Hartpury's approach to drugs testing is to firstly provide a mechanism that 'deters' students from using drugs on site whilst providing a safe environment for them to study and develop. If a test is thought appropriate (depending on the circumstances of the incident) this gives a student the opportunity to prove their innocence as to whether they have taken any drugs in any drugs related investigation.

When students are found to be in possession, suspected under the influence of drugs or dealing, Hartpury's approach is to use drug testing to further enhance the safeguarding of students. Under this procedure, Hartpury use an 'ORAL' Saliva Screening device as research shows that this method provides an effective deterrent for schools, colleges and universities. Research shows that where this type of procedure together with good sound practical drugs education has been used, educational institutions have seen a significant

drop in students using or coming onto campus under the influence / in possession of illegal substances.

Given its seriousness, the decision to ask a student to submit to a drug test will be made by the Residential Safeguarding Manager and the Vice Principal Resources or nominee.

Reasonable grounds for requesting a drug test may include, but are not limited to:

- A student is found in possession of drugs as defined in this procedure
- A student is found in possession of drug paraphernalia
- Drugs are found in a student's residential room on campus
- A student is displaying physical signs, symptoms and behaviour patterns linked to the 'supply' or regular use of drugs.

The device used is ORAT6V3. It is non-intrusive and produces rapid results.

Students will be taken to a private area and be informed of the reason for the need to conduct a test. Students will be requested to disclose any substance that they have taken be it current prescribed medication or over the counter remedies. Two members of Hartpury staff will be present throughout any test. Students will be requested to sign an agreement prior to their test which all witnesses will be asked to sign. The oral test will be conducted by taking a swab of a small amount of saliva from the mouth. The procedure will be explained to the student and they will then be requested to run a swab around their mouth so a sample of saliva can be taken. As a responsible employer, Hartpury will ensure any staff involved in drug testing or searches of student accommodation will have received the appropriate training.

Where the test produces a 'non-negative result' (positive sample) a 'back to lab' sample may be required however, if a student admits use of drugs this may not be needed. A 'back to lab' procedure means that a sample would be screened by an accredited UKAS laboratory. Generally this will take 48-72 hours.

A refusal of a test will be dealt with as a 'positive' result and as such dealt with through the Hartpury Non-Academic Behaviour Management Procedure.

If the device produces a 'negative result', the student may still be dealt with in accordance with the Non-Academic Behaviour Management Procedure however it will depend on the circumstances of the case. For example, a student may be in possession of drugs, which is a breach of the Student Code of Conduct and the Residential Regulations, but may not have used drugs and produces a 'negative result'.

If following a Non-Academic Behaviour Management hearing for a drug related matter, a student is permitted to return to Hartpury, they must agree to random testing (generally this would be an initial period of 3 months but the length of this period will be agreed by the Non-Academic Behaviour Management Panel). If no further positive tests are evident during the testing period and there are no further drug related incidents, then the testing period will cease. If a 'non-negative result' is produced during the testing period then a further Non-Academic Behaviour Management hearing will be convened and this is likely to result in the student being excluded from their studies at Hartpury.

Any students involved in a drugs related incident will be signposted to appropriate support mechanisms in place either internally at Hartpury or to external support agencies.

Hartpury supports the mission of UK Anti-Doping and WADA in achieving Clean Sport. Sports students are responsible for familiarising themselves with the Clean Sport

Commitment Statement and adhering to these regulations. If students have a positive test result then this will be notified to the relevant sporting governing body and this could result in a 2-year ban from sport.

Similarly if a student has a positive test result and holds a firearms licence then we have an obligation to inform the local police (Firearms Licencing Officer).

RELATED DOCUMENTS

1. Non-Academic Behaviour Management Procedure (Operating Procedure 7.05)
2. Safeguarding & Child Protection Policy & Procedure
3. Search and Confiscation (Operating Procedure 7.20)
4. Handbook for Residential Students
5. Student Code of Conduct
6. Accommodation Licence for residential students

EQUALITY, DIVERSITY AND INCLUSION

As with all Hartpury policies and procedures, due care has been taken to ensure that this policy is appropriate to all members of staff and students regardless of their age, disability, ethnicity, gender, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sexual orientation and transgender status.

The policy will be applied fairly and consistently whilst upholding Hartpury's commitment to providing equality to all.

Hartpury is committed towards promoting positive mental health and aims to create a culture of support where staff and students can talk about mental health problems without the fear of stigma or discrimination.

APPROVAL AND REVIEW CYCLE

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