

## Alcohol and Drugs Misuse Policy

*Last reviewed: 27/04/2022*

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## Introduction

This document sets out guidance for dealing with student related alcohol and drugs incidents. It outlines actions to be followed to ensure that Spirit Studios fulfils its legal and wellbeing responsibilities in a coherent and consistent manner. This guidance recognises the complexities surrounding alcohol and drug use and aim to enable Spirit Studios to balance its legal, wellbeing, health and safety, educational and professional conduct responsibilities.

Due to the complex nature of alcohol and drugs incidents a number of key services actively liaise with each other to develop appropriate responses. The key referral point for incidents relating to students is the Safeguarding Team.

Where student related alcohol and drugs incidents contravene applicable legislation, Spirit Studios policies for Fitness To Study Procedure or Welfare and Wellbeing Policy, Spirit Studios reserves the right to invoke the disciplinary process set out in the named policies (as appropriate).

There is a potential overlap between this policy and other Spirit Studios policies (see Appendix One). Spirit Studios reserves the right to suspend action under this policy if it considers that the matter would more appropriately be dealt with under another policy.

## Aims

The aims of the policy are to:

- Promote an awareness of the health and legal issues associated with alcohol and drug misuse;
- Explain Spirit Studios approach to issues arising from the misuse of alcohol or drugs;
- Underline Spirit Studios stance that initiation or hazing activities should not be a part of Spirit Studios and that the use of drug or alcohol in such activity will be treated as a disciplinary offence.
- Highlight the support and guidance available to staff and students and ensure that staff are properly trained and supported, understand their roles/boundaries and referral mechanisms; and
- Balance a number of responsibilities:
  - Keeping within the law and not condoning the possession, use or supply of illegal drugs, nor the misuse of alcohol or other substances, on Spirit Studios premises.
  - Supporting students where wellbeing concerns are raised linked to alcohol and/or drug misuse.
  - Promoting knowledge, awareness and understanding to enable Spirit Studios community to make informed choices.
  - Promote supportive and caring harm minimisation strategies which reduce the risks associated with drug use/misuse.
  - Ensure that consistent procedures are adopted across Spirit Studios.

The policy is designed to provide advice and guidance to:

- Current students
- Spirit Studios staff who have a role in advising and supporting students.
- Staff or students who have a concern about alcohol or drug use of another student, or concerns arising from activities such as initiation/hazing events.

## Scope

Alcohol, smoking and illegal drugs are covered by these procedures. This policy applies to people on Spirit Studios premises, including car parks and student off-site class activities. If an incident occurs when a person is on a placement or visit they would be subject to that organisation's policy in the first instance. However, in terms of follow-up, Spirit Studios own procedures will also be considered.

If an incident involves a visitor, this guidance should be applied in the same way as with students. Formal procedures cannot be applied to visitors therefore liaison with the Academic Team or the Senior Management team (SMT) should take place as appropriate.

Repeat or serious incidents, e.g. using or selling class A drugs/putting other students at risk, will be referred to the Safeguarding team under the Regulations. See response section more details.

With regard to smoking Spirit Studios operates a total ban on smoking\* throughout Spirit Studios premises. In addition to this, smoking is banned immediately outside the entrance doors to Spirit Studios, students and staff must use the designated smoking areas.

(Smoking\* this refers to tobacco, e-cigarettes, shisha and illegal substances.)

## Spirit Studios Context

There are a number of legal responsibilities that Spirit Studios must uphold in liaison with the police, which may lead to Spirit Studios disciplinary or legal responses. In addition, Spirit Studios will carefully consider whether a student is putting others at risk e.g. using drugs in Halls, where flatmates are affected in some way, or organising or encouraging others to take part in initiation or hazing events. However, in most cases, if a student requests support related to their alcohol or drug use then this will be dealt with simply as a wellbeing issue. Spirit Studios has a range of support available via the welfare officer and knowledge/links with specific Alcohol and Drug Services for referrals.

An alcohol or drugs issue can impact on a range of areas in a student's life e.g. behaviour, studies, health, risk taking, safety, ability to relate to flat mates. Response to incidents needs to be considered in line with current Spirit Studios procedures (e.g. Fitness to Study, Student Conduct Regulations) and in liaison with external services e.g. The Police, etc as appropriate.

## Legal Context

Legislation relating to controlled drugs is contained primarily within two acts of Parliament - the Misuse of Drugs Act 1971 and the Psychoactive Substances Act 2016.

- **Misuse of Drugs Act 1971** - Current penalties for possession and dealing can be found on the Home Office Tackling Drugs website: [penalties-drug-possession-dealing](#). Substances are categorised as Class A, B or C.

- **Psychoactive Substances Act 2016** - The act prohibits and disrupts the production, distribution, sale and supply of new psychoactive substances (NPS) in the UK (specifically those not covered by the misuse of drugs act). The ban will also extend to the sale of nitrous oxide for human use, known as 'laughing gas' although its legitimate sale will not be affected. Note: **Possession** of any substances covered by the act are not punishable under the law, although substances will be confiscated and potentially tested. If found to contain drugs that contravene Misuse of Drugs Act, further penalties may be applied.

Spirit Studios will balance legal, health and safety, wellbeing, educational and professional conduct responsibilities. The legal context is of paramount importance and the Misuse of Drugs Act 1971 confirms that Spirit Studios has no legal obligation to report every single illegal drug-related incident to the police. However, it does make it clear that in the event of such an incident, Spirit Studios must take clear action to address the situation and ensure that it does not recur.

Spirit Studios must, therefore, be able to demonstrate that:

- In the event of an illegal drug-related incident on its premises, meaningful action is taken to prevent and/or discourage any recurrence (i.e. it is not knowingly permitting or suffering such illegal drug-related activity) – through the implementation of disciplinary procedures and other appropriate measures.
- Health and safety issues highlighted by risk assessments are dealt with.
- Facilitated by the welfare officer/safeguarding team, appropriate support and guidance are offered to individuals, including: making drug-related educational material available; and offering support through existing Spirit Studios services or via referral to appropriate agencies.
- Individuals are made fully aware of the facts concerning illegal drug use and are informed of both Spirit Studios legal position and its policy.
- The impact of an incident on others (e.g. fellow students) is taken into account.
- Any student found to have organised or encouraged another to participate in an initiation or hazing activity involving the use of drug or alcohol will be subject to the Student Disciplinary Procedures. Any student found to have been coerced into this activity will receive wellbeing support.

## **Spirit Studios Response to Incidents**

In most cases, Spirit Studios will apply the following three levels of response in relation to incidents involving alcohol, smoking and / or drugs:

- Level 1 – written warning provided to the student, which will include an offer to the student to participate in appropriate education and an undertaking of behaviour signed by the student confirming they will adhere to Spirit Studios policies in future.
- Level 2 – final written warning provided to the student, which will include an offer to the student to participate in appropriate education and an undertaking of behaviour signed by the student confirming they will adhere to Spirit Studios policies in future. Clear, documented information will be provided to the student that removal from accommodation and/or their course will be the likely outcome of a Level 3 breach.
- Level 3 – removal of student/s from any Spirit Studios accommodation and/or their course if behaviour is deemed sufficiently serious and/or earlier behaviour has been repeated.

Where Spirit Studios considers that an incident requires disciplinary action the disciplinary processes will be applied. The disciplinary process will consider the levels set out above when determining the appropriate action to be taken, however, Spirit Studios reserves the right to take other action where this is deemed necessary.

Depending on the seriousness of the incident Spirit Studios will decide at which level to respond. Spirit Studios may offer a student all three levels of response but also reserves the right to move straight to level 2 or 3 dependent upon the incident. Moving straight to level 2 or 3 is likely to occur where for example a student is putting others at risk physically, verbally or through their actions e.g. tampering with fire detectors.

Whilst responses will vary depending on the seriousness of the incident, the following guidance will apply:

- Welfare /Safeguarding, Vice Principal/ Director of Spirit Studios (as appropriate) will lead on any disciplinary action, dependant on the nature of the incident
- In serious incidents (e.g. those that could warrant level 3 above), the Regulations will usually be applied and this could potentially mean suspension pending an investigation under the Regulations.
- In the majority of situations resolution will be internal – involving appropriate support and/or the implementation of existing Spirit Studios regulations and related procedures.
- In the following situations, the police will conduct the investigation, although internal disciplinary and wellbeing procedures will still be followed. There is evidence of :-
  - Dealing/supplying;
  - Violent, aggressive or threatening behaviour; or
  - The individual has previously received a formal written warning and penalties for drug-related offences, through implementation of student disciplinary procedures.
- Where appropriate in the circumstances, Spirit Studios may invoke its Fitness to Study in addition to this policy.

**Exception** - If a student is seeking help, support and guidance related to their alcohol or drug use and there are no other related issues they will be given appropriate information, support and referrals. Usually, levels 1-3 above will not be applied in such circumstances and the student will not be issued with a written warning.

## Roles and Responsibilities

### Spirit Studios' Responsibilities

Staff have a responsibility to respond and manage alcohol and drug misuse in the following ways:

- Familiarise themselves with this policy.
- Attend Alcohol & Drug Awareness training, where it is appropriate for the individual's role.
- Treat any disclosure of alcohol or drug use seriously and refer the student to the welfare or safeguarding teams for support.

- Welfare or Safeguarding will identify whether referral to external services would be helpful. (see appendix 1)
- Actively participate in the Fitness to Study procedure to create a collaborative action plan with the student and Welfare or Safeguarding that will give the student the best chance of success.
- If a student does disclose an alcohol or drug difficulty:-
  - Listen to the student's concerns;
  - Clarify your role and the areas you can support; and
  - Be aware of professional boundaries and limit of expertise (signpost to Welfare or Safeguarding), using emergency procedures is considered appropriate.

## **Student responsibilities**

Students have a responsibility to:

- Advise Spirit Studios as soon as possible of any developing alcohol and drug difficulties and discuss the appropriate support required.
- Notify Spirit Studios if something has triggered a previously managed condition which is now affecting their ability to fulfil the course requirements.
- Be aware of their impact on others; taking and acting on advice from academic and welfare staff.
- See Welfare or Safeguarding if they feel that their capacity to learn is being affected by changes in their health and well-being.
- Not to organise or encourage others to take part in any initiation or hazing activities.

## **Confidentiality and Alcohol & Drug Incidents**

Due to the sensitive nature of information relating to alcohol and drug incidents of students, it is imperative that staff maintain appropriate levels of confidentiality. Staff should work with students in accordance with the law and within existing Spirit Studios and professional bodies' policies and Codes of Practice.

## **Appendix 1**

### **Extenuating Circumstances**

Some students face significant unplanned and unforeseen events in their personal life that occur after their course has started, which have a greater impact on their studies than can be solved by the use of an extension. This includes a sudden or unpredictable relapse in a previously diagnosed condition, but does not include examination stress or panic attacks (unless this is related to a disability, in which case specific exam arrangements can be put in place). Extenuating Circumstances are only a short-term solution to an immediate problem, so if a student is repeatedly asking for extensions or extenuating circumstances, it may be appropriate for the welfare officer or vice Principal to meet with them and more fully investigate the reasons for this.

More details of the Extenuating Circumstances process can be found at :

[Extenuating Circumstances](#)

Other Spirit Studios policies that might be relevant include:-

- Student Charter
- Fitness to Study Policy
- Welfare & Wellbeing Policy

## **Appendix 2**

### **Internal Resources**

[Welfare Hub/help page](#)

### **External Resources**

Alcoholics Anonymous: [www.alcoholics-anonymous.org.uk](http://www.alcoholics-anonymous.org.uk)

National helpline: 0845 769 7555

Drink Aware: [www.drinkaware.co.uk](http://www.drinkaware.co.uk)

Drug Scope: [www.drugscope.org.uk](http://www.drugscope.org.uk)

Talk to Frank: [www.talktofrank.com](http://www.talktofrank.com)

Alcohol and Drug info, the law, services, 0300 123 6600 24hrs a day

Live chat online – 2-6pm all week SMS 82111 text a question