



Title	SUBSTANCE ABUSE
Reference Number	F601
Section	Students
Written By	NPBHS Policy Committee
Checked By	NPBHS Policy Committee
Approved By	NPBHS Board of Trustees
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Associated Policies	<u>A103 Privacy</u> <u>F606 Child Protection</u> <u>F607 Police Interview of Students</u> <u>A112 CCTV Policy</u>
Associated Procedures	MOE Stand downs, or suspensions, exclusions and expulsions Refer*

***NOTE:**

Associated procedures are those on :

- a. Surveillance, search and seizure ;
- b. Testing ;
- c. Investigations ; and
- d. Board of Trustee hearings relating to alleged substance abuse

In addition, there are two guideline documents available for the assistance of those involved in the procedures, namely :

- i. Suggestions for advocates for students involved in the processes
- iii. Advice for Board Members sitting at disciplinary hearings.

PURPOSE:

The purpose of this policy is to outline the guidelines covering drugs, alcohol and tobacco (or look-alike products) and regulated products, applicable to all students at New Plymouth Boys' High School while under the authority of the School. Under the Health and Safety at Work Act 2015 the School has a legal duty to ensure the safety of workers, whilst at work and to ensure that the health and safety of other persons (including students, and visitors), is not put at risk, in addition, National Administration Guideline (NAG) 5 requires the Board of Trustees to provide a safe physical and emotional environment for students'.

This policy is applicable to all students enrolled at New Plymouth Boys' High School.

The Board of trustees and staff of the school aim to provide a safe and healthy, learning environment for all enrolled students. The Board works to achieve this through the provision and implementation of rules and regulations regarding substances, whether legal or illegal under the law of New Zealand

The school is a smoke-free and regulated products (vaping) free environment at all times under the Smoke Free Environments and Regulated Products (Vaping) Amendment Act 2020.

DEFINITIONS

1. For the purposes of this policy and underlying procedures and guideline documents, “banned substance” is defined as:
 - Any medication or drug whether illegal or not. The exception to this policy is medication prescribed by a medical practitioner and/or dispensed by Student Services.
 - Any substance that gives off fumes, vapour or gases which may be used by the person in possession of it to give an intoxicating, stimulating or hallucinogenic effect when inhaled.
 - Any fermented, distilled or spiritous liquor, which contains a percentage of alcohol.
 - Any tobacco or cigarettes containing tobacco.
2. For the purposes of this policy and underlying procedures and guideline documents, “school campus” is defined as including, in addition to the school grounds at **107 Coronation Avenue, New Plymouth**:
 - Any place beyond the school grounds where an activity within the organisation and control of the school takes place, including inside vehicles being used to transport students to and from such places or being used in the course of such activities.
 - Any public place where a student is present and recognisable as a student of the school, i.e. wearing any article of clothing identifiable as NPBHS school uniform.
 - Any vehicle used to transport a student to or from school.
3. For the purposes of this policy and underlying procedures and guideline documents, “substance abuse” is defined as any possession, use, dealing or attempting to deal in, with or in relation to a banned substance.

SURVEILLANCE, SEARCH AND SEIZURE PROCEDURES

A. SURVEILLANCE

1. Where there is reasonable cause for the management of the school to suspect that a student and/or employee is engaging in an activity which is illegal or injurious or against the school rules (including but not limited to substance abuse) some system of surveillance may be employed with a view to obtaining evidence as to whether such activities are indeed occurring.
2. Depending on the circumstances, such surveillance may be either overt or covert.
3. Whatever system of surveillance is adopted, the reasonable rights to privacy of those who are under surveillance will be respected and recognised so far as practicable in the way in which surveillance is carried out.
4. Where as a result of a system of surveillance, a student or employee is interviewed regarding his or her conduct, he/she will have the right to view the evidence obtained by surveillance before any conclusion of impropriety is reached by the management of the school.

B. SEARCH

1. Where there is reasonable cause to suspect that a student is unlawfully in possession of something or in possession of something which is illegal in itself and/or potentially injurious and/or against the school rules, a search of the student's possessions or person may be instigated by the management of the school.
2. Wherever practicable when such a search is initiated, the person conducting the search shall arrange for an adult witness to the search.
3. Wherever practicable the student shall be asked himself to display the contents of his possessions and of such items of clothing as may have been used to conceal the suspected items.
4. Where it is determined that a so-called “strip search” is required, the student's parents or caregivers shall be advised and their presence requested. If they are not available, and circumstances warrant,

the Police may be called to witness the search (and may be called in any event). School staff will make no contact with any person or student undergoing a strip search. Any such search is to be carried out by a male teacher, in the presence of an adult witness.

5. Students may decline to have their personal possessions searched but must then be advised that failure to consent may be interpreted as confirming that the initial suspicion of improper conduct is justified.
6. Where a staff member has reasonable cause to suspect that one or more members of a class may be unlawfully in possession in the way outlined in paragraph B.1, a search involving all members of the class may be conducted. In such a case, paragraphs B.2, B.3, B.4 and B.5 will apply.
7. In an effort to ensure the existence and continuation of a school campus free of banned substances, the management of the school may invite accredited agencies to bring in "detector dogs" to search for banned substances on the school campus.

C. SEIZURE

1. Where a student has in his possession :
 - a. something it is unlawful to possess ; or
 - b. an illegal item ; or
 - c. an injurious item ; or
 - d. something that contravenes the school rules ;
 - e. this may be confiscated by a staff member.
2. A student who fails to hand over such an item on request will be in breach of the school rules and in breach of this procedure and the substance abuse policy under which it is formulated and accordingly liable to punishment.
3. Any item confiscated is to be put in a safe place by the staff member concerned and the student advised when and under what conditions the item may be returned. For these purposes, the offices of the Headmaster, Deputy Headmaster and Assistant Headmaster are deemed to be safe places.
4. Illegal items or those unlawfully in the student's possession will not be returned to the student but other items may be claimed immediately by the parents of the student provided they do so in person via the school office or otherwise returned to the student within seven days of confiscation.
5. Where an item is repeatedly confiscated, its return may be delayed for up to one term and it may be released only to a parent of the student who it was confiscated (or last confiscated as the case may be).
6. The school accepts no responsibility for the loss of any confiscated item whether possession of the item is illegal, where it is unlawfully in the possession of the student or where possession of it is contrary to the school rules.

TESTING PROCEDURE

1. A student shall be required to undergo a test if the Headmaster, Acting Headmaster, Deputy Headmaster or Assistant Headmaster has reasonable cause to suspect that the student is under the influence of a substance as defined in the Substance Abuse Policy.
2. The parents or caregiver of a student suspected of being under the influence of such a substance will be advised immediately and shall be asked to be present while their son is being tested.
3. If the parents or caregiver are not available then the student will be advised of his right to have a representative or other appropriate support person present during the testing procedure.
4. The parents or caregiver will be asked to supervise the collection of a urine and/or saliva sample in a nominated area on the school site. This collection shall be carried out privately and in a manner which minimises any possible embarrassment to the student and his parents or caregiver.
5. Prior to obtaining the urine and/or saliva sample the student shall be advised in the presence of his parents, caregiver or representative of
 - a. ***The grounds for the suspicion that he is under the influence of a substance.***and

b. *The purpose of the test and the possible outcomes if the test is positive.*

6. The test shall be carried out using a commercially available testing kit and it shall be conducted in accordance with the manufacturer's instructions.
7. The sample shall be obtained in a container and in a manner that is in accordance with the manufacturer of the test kits instructions.
8. The test will be carried out in the presence of the student and his parents, caregiver or representative and they will be advised of the result and its interpretation.
9. The handling and disposal of body fluids and testing equipment shall be undertaken in accordance with guidelines issued by Health Authorities.

INVESTIGATION PROCEDURE

1. Where the Headmaster or his nominee receives information giving rise to reasonable suspicion of substance abuse by a student the standard interview process is to be followed, noting the following:
 - 1.1 At the interviewing stage of cases where there is a substantive suspicion of substance abuse and where a decision to suspend may result, then before any decision to suspend is made and where it is reasonably practicable to do so the interviewer will involve in the interview parents/guardians/an accessible adult nominated by the student/an adult appointed by the interviewer (those options to be considered in that order).
 - 1.2 In cases where there is evidence of involvement with a banned substance it shall be at the discretion of the Headmaster or his nominee as to whether the Police are notified.
 - 1.3 A register will be developed of adults who are willing and may be able to accept nomination by a boy or appointment by an interviewer to attend interviews of the type described above and to act in loco parentis.
 - 1.4 Where there is a substantive suspicion of substance abuse or possession of a banned substance for supply, the Headmaster or his nominee may require, and the student shall have the right to require, an appropriate drugs test to be carried out at the school's expense.
 - 1.5 If a student refuses to undergo a test without providing good reason then an inference may be drawn from that refusal, together with any other evidence, that the student is under the influence of a banned substance of the kind sought to be tested for.
 - 1.6 The Headmaster shall exercise his discretion whether or not to suspend a student for substance abuse (not involving dealing) after the results of any drug test are known or following a refusal by the student to be tested.
 - 1.7 Where there is a substantive suspicion of possession of a banned substance for supply at school (dealing) then the Headmaster shall exercise his discretion to suspend or not fairly and reasonably having regard to the evidence available.

BOARD OF TRUSTEES DISCIPLINARY HEARING PROCEDURE

1. Where the Headmaster has decided to suspend a student for substance abuse then the Board of Trustees must hold a disciplinary hearing within seven school days of that decision being made.
2. Following the decision to suspend a student, the Headmaster or his nominee must immediately notify the student, parent, Ministry of Education and board that the student is suspended, the reason for suspension and provide the MOE information sheet regarding stand-downs, suspensions, exclusions and expulsions. The school must also take all reasonable steps to ensure reasonable and practical guidance and counselling is provided, as well as an appropriate educational programme..
3. The disciplinary hearing will run in accordance with the Ministry of Education Guidelines.
4. At a disciplinary hearing the Board of Trustees members attending are to investigate and ascertain at the hearing the facts, beginning with an open mind and conducting the hearing in accordance with the principles of natural justice and considering all of the circumstances fairly and reasonably.

5. Where following such investigation the student is found to have been involved in substance abuse then the board will in determining what action to take be guided by the Education and Training Act 2020.
6. A “second chance option” is to be considered under which a student whom the Board of Trustees decides to exclude from the school may re-apply for admission at some future time provided certain conditions are met.

Associated Resources:

- [NZ Police - Alcohol and other Drug Guidelines at School](#)
- [Health and Safety at Work Act 2015](#)
- [Human Rights Act 1993](#)
- [Education and Training Act 2020](#)
- [Smoke Free Environments and Regulated Products \(Vaping\) Amendment Act 2020](#)
- [Crimes Act 1961](#)
- [National Administration Guideline \(NAG\) 5](#)