

# Intervention matters



A policy statement and procedural framework for the management of suspected drug-related incidents in schools



**Australian Government**  
**Department of Education,  
Science and Training**



**Department of  
Education  
and Children's  
Services**

**Drug  strategy**  
with our eyes open

# Acknowledgments

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*Intervention matters review: within a spirit of continuous improvement*—it is anticipated that *Intervention matters* will be reviewed starting in January 2006.

## Foreword

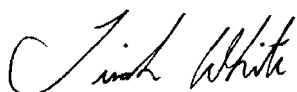
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Schools and educational sites are significant community institutions. They engage with a range of cultural, social and health issues that exist in the broader society. These broader social issues not only influence the formal curriculum, but they are also reflected in the school ethos and student initiated activities.

Harmful drug use is one complex community issue impacting on schools, sometimes in the form of drug-related incidents within school settings. Responding fairly and reasonably to drug-related incidents is important to ensuring the welfare of all students and, in particular, provides an opportunity to intervene for the benefit of young people at risk of drug-related harm. The purpose of *Intervention matters* is to support school communities to manage suspected illicit and unsanctioned drug incidents in schools.

The Premier's Drugs Summit held in June 2002 affirmed the importance of school in the lives of young people and endorsed the need for clarity within school communities in relation to incident management. How schools manage suspected drug-related incidents will be informed by their Whole School Drug Strategy, which will address not only intervention, but also curriculum, partnerships and school environment.

The Department of Education and Children's Services is committed to supporting school communities as they manage suspected drug-related incidents. The department also recognises that schools and educational sites often lead the way within their communities in responding in an informed manner to controversial and contentious issues. This policy statement and procedural framework has been designed to help resource that leadership in the realm of suspected drug-related behaviours by providing current and clear advice to guide intervention.



**Trish White**

Minister for Education and Children's Services

# What you will find in *Intervention matters*



**Part 1** of this book provides the underpinning philosophy for the DECS Whole School Drug Strategy and how this informs intervention into suspected drug-related incidents.



**Part 2** examines in further detail how schools might think about drug-related incidents, including personal disclosures, and how schools might work together with parents and as a team.



**Part 3** of this book provides step by step procedures for managing suspected drug-related incidents.



**Part 4** invites schools to develop their own local policies for managing suspected drug-related incidents. This part encourages schools to look at a Whole School Drug Strategy as well as intervention policies. Guidance is provided on reaching common understandings, together with a sample school drug policy.



**Appendix A** provides descriptions of the roles of participants in the management of suspected drug-related incidents. There is also a quick checklist of responding to incidents, as well as more formal pro formas which schools may utilise or adapt for their own use.



**Appendix B** contains six scenarios of suspected drug-related incidents, based on real life incidents in schools. These scenarios highlight the complexity of any drug-related incident and can be used by schools for professional development and when developing local policy.



**Appendix C** outlines the legal obligations which dictate the management of suspected drug-related incidents.



**Appendix D** highlights why, how and the manner in which the principles of natural justice should be implemented in any management of a suspected drug-related incident.



**Appendix E** answers a number of frequently asked questions around drug-related incidents.



**Appendix F** provides a guide to drugs and their legal status.



There is a listing of **support services**, both for emergencies in schools and as resources for schools in developing school policy.

A one page **quick reference guide** is also printed on the inside back cover of this book.



*Icons are indicative of the type of incident but by no means represent the complexity of managing incidents.*

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## Terms used in this book

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<b>Drug</b>	<p><i>'A drug is any substance which, when taken into the body, alters its function physically and/or psychologically'. (World Health Organisation, 1981)</i></p> <p>This includes:</p>
Illicit drugs	those drugs for which the production, sale, possession or use is prohibited.
Legal drugs	those drugs which are sanctioned by law. They may be readily available (like caffeine and petrol); restricted by age (like tobacco and alcohol); or prescribed for some by medical practitioners (like many pharmaceuticals).
Unsanctioned drugs	those drugs whose use is restricted by law, school authorities and/or school policies/guidelines. They include illicit, social and prescription drugs when misused. (DETYA, 2000)
<b>Framework</b>	An overarching direction compatible with policy. A framework is a coherent blend of beliefs, principles and policies that broadly circumscribes or sets the parameters for appropriate practices. It enables flexible implementation within a set of accountability requirements.
<b>Harm minimisation</b>	The harm minimisation approach assists schools and communities to go beyond punitive measures to drug issues and to develop integrated approaches that focus on policies and procedures to prevent and reduce drug-related harm. The harm minimisation approach is endorsed by state and federal governments. It does <i>not</i> mean not responding to suspected drug-related incidents; it means responding well.
<b>Partnership</b>	Partnership depicts a relationship, which can range from infrequent consultations through to close collaborations. This reflects the relevance of the partnership to the purpose (desired outcomes), to ethics (and human rights), and to law and politics (regarding who is sanctioned to have influence over determinations about a child's welfare).
<b>Policy</b>	DECS policy is an authoritative statement on general courses of action that covers a significant aspect of the department's operations, and is designed to achieve the government's and department's stated outcomes. Schools develop their own local policies or codes of behaviour underpinned by DECS policy to suit their individual community needs.
<b>Procedure</b>	An approved way of performing a task or set of tasks which employees are expected and/or required to follow. The term procedure incorporates the terms instructions and guidelines.
<b>Reintegration</b>	<i>'Procedures for (re)engaging and supporting students in school attendance and learning programmes following drug-related interruption to their involvement in schooling'. (DETYA 2000, p.11).</i>
<b>School community</b>	The school community is composed of individuals, groups and agencies that work together to achieve the best educational and personal outcomes for students. These groups and agencies can include students, school staff (for example teachers and other professionals, administrators and other support staff), parents/caregivers, interested individuals and members of other agencies and organisations, such as community organisations.

## Policy statement

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DECS recognises that because drug issues exist within the South Australian community, incidents involving drugs will also occur in schools. There is no place for illicit and unsanctioned drug use in schools and, in keeping with national and state policy and associated research, DECS takes a position of harm minimisation in relation to the management of suspected drug-related incidents.

The goal of managing any suspected drug-related incident is to ensure the wellbeing and future educational careers of the student/s involved, as well as the wellbeing and educational careers of the whole student community and staff.

As places of learning for developing young people, schools have a responsibility to ensure their management of drug incidents is educative whereby students can learn from the consequences of poor decisions and inappropriate behaviour.

The World Health Organisation's 1981 definition of a drug is still widely used around the world. WHO defines a drug as

*'...any substance which, when taken into the body, alters its function physically and/or psychologically'. (WHO, 1981)*

Drugs therefore comprise a broad range of substances, some licit and some illicit, and the impact of their use is variable depending on the user, the drug and the environment in which they are used.

*'Responses [to drug-related incidents] consider the nature of the incident, the student's school and family history, cultural background, mental health, intellectual development and any other relevant information. [The response]...protects the health and safety of the student/s involved, other students, school staff and the wider community.*

*[The response] considers the role of parents and their right to be involved in discussions and plans for follow up action. [Consideration is also given to] the need for counselling, support, and/or referral to other agencies.'* (DETYA, 2000, p.8)





## Part 1: Introduction



### Living in a drug using world

Acknowledging that we live in a drug using society means acknowledging that drug use is the norm, not the exception. Certain drugs, for example, alcohol, tobacco, caffeine and medications, have varying levels of societal acceptance and legal status, whilst other drugs are illicit. School personnel manage drug-related incidents within the paradoxical context of a drug using world. The aim of this document is to support school personnel as they manage suspected drug-related incidents in a community which sanctions and legislates in varying ways on the supply and use of drugs.

*'What we learn from history is that drug use is a normal activity in human society. Drugs are with us every day in ways that have both benefits and risks.'* (DEET, 2000, p.1)

### What does this mean for schools?

Given the pervasive existence of drugs in society, it is inevitable that the community will be confronted with drug issues and incidents in schools. Students may be directly involved in incidents of harmful drug use or they may indirectly experience the effects of harmful drug use by others. These incidents and issues may relate to a student possessing an illicit drug or they may relate to the illegal behaviour of, for example, sharing prescription medications with others.

Drug-related incidents may also be concerned with unsanctioned drugs that are commercially available, such as tobacco, alcohol and volatile substances. The DECS Drug Strategy recognises the complexity and range of these issues and provides this policy statement and procedural framework to assist school communities to manage suspected drug-related incidents. Some drugs are illegal, whilst others are legal, although behaviours surrounding their use may be illegal. *Intervention matters* assists schools in clarifying these distinctions.

### Strategies which respond

This document is a response to the *National school drug education strategy* (DETYA, 1999) and, in particular, the *National framework for protocols for managing the possession, use and/or distribution of illicit and other unsanctioned drugs in schools* (DETYA, 2000). These two publications seek coherence and consistency in school-based initiatives designed to manage the possession, use and/or distribution of illicit and other unsanctioned drugs by students.

There are two key elements to the National Framework:

- *'an emphasis on prevention through education, information and safe and supportive school environments and*

## Part 1: Introduction

- *intervention through appropriate procedures for dealing with incidents involving the possession, use and/or distribution of illicit drugs within schools*. (DEYA 2000, p.1).

The interrelationships between the elements of prevention and intervention have been adopted in the DECS Whole School Drug Strategy. Clear advice to schools was strongly recommended by the Premier's Drug Summit held in 2002.

### The DECS Drug Strategy

The purpose of the DECS Drug Strategy is to *'support schools to develop a holistic approach to drug issues, including school environment, curriculum and the development and review of guidelines and procedures. It focuses on the value of community partnerships...[and]... emphasises both prevention and intervention'*. (DETE, 2000)

A major focus of the DECS Drug Strategy team is to assist all schools to develop, by the end of 2005, their own Whole School Drug Strategy in response to their unique local circumstances and needs. The four elements of the Whole School Drug Strategy which schools need to address are illustrated in Figure 1.



Figure 1: DECS Whole School Drug Strategy

*Intervention matters* is located within 'policies and procedures', which sits alongside school environment, partnerships and curriculum within the Whole School Drug Strategy; the successful management of suspected drug-related incidents is therefore a mix of educative, deterrent and disciplinary responses.

Within 12 months of publication of *Intervention matters*, schools will need to have reviewed or revised their own policies and procedures so that they are consistent with this document.



### Harm minimisation

The harm minimisation approach assists schools and communities to go beyond punitive measures to drug issues and to develop integrated approaches that focus on policies and procedures to prevent and reduce drug-related harm.

Harm minimisation is agreed upon in both state and national frameworks in drug management issues. Harm minimisation does not mean the condoning of illegal and unsafe drug use, particularly within an educational context. Harm minimisation is both a philosophical and practical response to attempt to prevent the harm and reduce the risks associated with drug use. In the wider community context, the principles of harm minimisation include three elements:

- 1 Supply reduction**—decreasing, through legislation, the availability of drugs, for example, the sale of cigarettes to young people.
- 2 Demand reduction**—decreasing, through education, the need or demand for drugs, so that young people can enjoy every opportunity for success and where resilience is promoted. Demand reduction includes abstinence.
- 3 Harm reduction**—minimising the possible drug-related harms, for example, by providing education about the increased likelihood of harm when drinking and driving.

### Harm minimisation in the school context

At the school level, a harm minimisation response to living in a drug using community requires a flexible and skilled approach to:

- prevention through education and school culture building and
- intervention as incident management and support for students with drug issues.

This book is particularly concerned with intervention.

Early intervention can, in turn, prevent later harmful drug use. It is important to acknowledge that harm can also be minimised if a drug-related incident is well managed and a student is able to continue their schooling after the initial intervention procedure is completed. School discipline, student counselling and student development planning procedures can operate in ways which do not cause any secondary harm, such as social stigmatisation, reduced self-worth and associated truancy.

Consequently harm minimisation in incident management does *not* mean not responding to a drug-related incident; it means responding well to the incident. Student welfare remains paramount; principles of natural justice are adhered to; OHS&W issues and principles are constantly considered; and partnerships with young people's parents/caregivers and the police are utilised. School personnel will call on their own skills and professional judgment to achieve the optimum outcomes for all in their particular context.

Effective interventions are those that result in all students making healthy lifestyle choices whilst continuing their education. Pre-emptive responses to drug incidents which are exclusively contained to disciplinary actions, such as suspensions and exclusions, can be detrimental. The complexities of the circumstances of all incidents call for a balancing of educative and disciplinary responses. These include:

- concerns for the continuing health and welfare of *all* students and staff

## Part 1: Introduction

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- recognising the obligations requiring police involvement that accompany illicit/unsanctioned drug-related behaviours
- weighing the complications of some students' lives, particularly those recognised as students at risk, whilst managing the incident.

### Creating frameworks for harm minimisation

The challenge for school communities, and particularly for principals/delegates, is the decision making process which determines the balance of these issues.

This framework does not prescribe specific consequences for drug-related behaviours, because variations between incidents prevent standardised consequences, except where required by law (such as involving the police).

However, the framework does provide for consistency in the form of fair, reasonable and compassionate practices, underpinned by shared procedural values, which are implemented using professional judgment. These values include:

- acting with a continuing concern for student welfare; that is, being oriented to educational influence and utilising disciplinary measures within student welfare obligations
- respecting legal and natural justice obligations in determining incident management procedures and utilising OHS&W principles to monitor the safety and health of school personnel throughout incident management
- proceeding to partnerships in incident management when the circumstances of an incident are sufficiently clear. Partnerships should include the young person/s concerned, their parents/caregivers, the police (when illicit drugs or illegal behaviours dictate), and, in the longer term, possibly community support
- utilising care in follow-up support, or student development planning, for the student in order to optimise their educational and social development
- reviewing current practices, confirming those that are consistent with the policy and framework outlined in this document, and revising others where necessary.

Some components of this framework arise from existing policy or are legally binding and are thus required of all schools. Other components are suggested as additional options for use in situations that are particularly controversial and/or complicated. All components arise from natural justice principles and strive for moral and educational advantage in the way incidents are managed and the outcomes they seek to achieve.

School policy and procedural developments addressing possible drug-related incidents can be seen, then, to integrate existing policy, legal and industrial obligations and guidelines that currently shape a range of student and staff welfare practices.



**Figure 2: A procedural framework for shaping school-based intervention**

The philosophy for intervention into suspected drug-related incidents is underpinned by student welfare, the principles of natural justice, the need for constructive partnerships and the recognition of the need for follow-up and support procedures. Schools are supported in working through the DECS Whole School Drug Strategy in the manual for core team leaders (DECS, forthcoming).

The procedural framework (Figure 2) acknowledges that activities related to many drug-related incidents are illegal. There is an obligation on schools to involve the police in investigations of such incidents. Such investigations are beyond the jurisdiction of school employees. Using, possessing and/or distributing illicit drugs can result in criminal sanctions. The supply or distribution of many legal drugs can also be illegal. Further details on the legal obligations associated with suspected drug-related incidents are provided in Appendix C of this document.

In addition, the management of suspected drug-related incidents must accord with an appropriate standard of natural justice, including ensuring there are no language or cultural misunderstandings. Teachers and principals are obliged to conduct their investigations into

## Part 1: Introduction

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suspected drug-related incidents in ways which are procedurally fair. The principles of natural justice that would need to be considered include:

- the right of the student to be informed of the form of proceedings
- the right of the student to be represented by an advocate of choice
- the right of the student to know what is alleged
- the right of the student to be heard and to question evidence
- the right of the student to impartial adjudication
- the (qualified) right of the student to privacy
- the right of appeal

and, in serious circumstances,

- the right of the student to legal representation.

The meanings and the need for the levels of compliance with the principles of natural justice are elaborated on in Appendix D.

Additionally, school interventions into suspected drug-related incidents need to be consistent with a number of existing student and staff welfare policies and requirements that also govern a range of *non* drug-related incidents. For example:

<b>Duty of care</b>	a legal obligation on schools/teachers to take reasonable measures to protect students from any foreseeable risk of harm.
<b>Mandatory reporting</b>	a legal requirement on school personnel to report instances of suspected child abuse and neglect, including drug-related activities.
<b>Procedures for Suspension, Exclusion and Expulsion (SEE)</b>	Specifies behaviour/conduct for which there are disciplinary sanctions, such as suspensions, exclusions and expulsions, which enable school communities to both support and protect staff and students.
<b>Occupational Health, Safety and Welfare (OHS&amp;W)</b>	Legislation which exists for the purpose of providing employees with a safe working environment, including psychological health and risk management proceedings for school personnel.
<b>Health support planning guidelines</b>	Guidelines for health support systems, including medication management, which ensure the health care needs of all students are met.

### Ways to use this book

In addition to providing guidance to school communities to assist in the development of school-based policy and procedures, this policy and framework can also be used for professional development purposes.

### Developing school-based policy and procedures

Dealing fairly and reasonably with suspected drug-related incidents requires a range of supporting structures. Schools currently have existing behaviour codes and many have, in addition, a Student Welfare Policy or Drug Policy and associated documentation that address the management of drug incidents. These should be reviewed for consistency with this policy statement and procedural framework and, if necessary, revised within 12 months of publication of *Intervention matters*. In the absence of any local policy and/or procedures, schools should develop policies and practices



to a level of detail that are locally appropriate. It is desirable that schools have procedures which are written both for in-school as well as for a diversity of out-of-school activities, such as camps, excursions, school formals, sporting carnivals, etc. Part 4 of *Intervention matters* is devoted to assisting schools to develop their own policies and procedures.

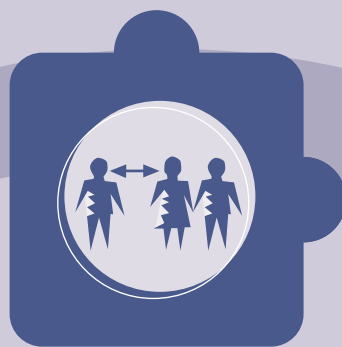
### **Professional development**

Professional development for the whole school community around this policy statement and procedural framework is important for its effective implementation. The policy calls for a disposition to student behaviour management which reflects support for student health and welfare *prior* to the utilisation of discipline.

The scenarios in Appendix B provide opportunities for staff discussion and learning as part of a review of existing school procedures. Reading the scenarios will also illustrate the degree of complexity and local context variability that makes plain the need for professional judgment by teachers when confronted with student behaviours that are suspected to be associated with unsafe/unsanctioned use of drugs.

The department's drug strategy personnel and resources can assist with school-based policy and professional development required in response to this framework. This includes the provision of professional development for student support staff, such as counsellors, chaplains and school leaders, in how to assist students with drug issues through a program called *Keeping connected*.





## Part 2: Important issues around schools and drugs



*Intervention matters* provides a procedural framework in accordance with the policies and obligations of the DECS Whole School Drug Strategy. Schools and school communities are required to use this framework to continually refine their existing policy and procedures for handling suspected drug-related incidents. However, *Intervention matters* can only provide generalised procedural steps. These are not, and cannot be, completely prescriptive. They therefore call on the professional judgment of school personnel to be consistent and fair when assessing suspected drug-related incidents. This remains a matter of interpretation, taking into account the circumstance of each student—their age, maturity, gender, and cultural background—as well as their social circumstances and the safety of others.

It has been acknowledged that as *'schools are places where young people learn how to conduct themselves as members of a fair and just society, teachers and administrators should maintain the highest standards of justice and fairness that circumstances will allow'*. (National Children's and Youth Law Centre, 1999, p.17)

This policy statement and procedural framework is concerned *only* with how schools intervene in and manage suspected drug-related incidents in school, or at off-site school functions. The successful management of a suspected drug-related incident within schools is a response to the student's behaviour, not only a response to the particular drug.

This part of the book seeks to provide some answers so that schools and school personnel can be clear about what is meant by drug-related incidents, the boundaries of jurisdiction for schools and the need for professional judgement when responding to drug related incidents.

### What is a drug-related incident?

An incident that is drug-related can include students in the suspected use, possession and/or distribution of either illicit or unsanctioned drugs. It may also involve students suspected of possessing or using drug paraphernalia.

Merely possessing **some** possible drug-related paraphernalia is not illegal, but it may be against school rules and subject to disciplinary action. This is further clarified in Appendix F.

In addition, an 'incident' can include a situation where one or more students are behaving unusually, ranging from lethargic to agitated and are suspected to be affected by drugs consumed either at school or elsewhere. There may not be any drug or related paraphernalia present. These

## Part 2: Important issues around schools and drugs

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incidents can vary in seriousness in regard to a student's health and complexity in relation to location, age and number of students. School personnel should be cautious in making allegations if no evidence is present and should, in these instances, treat students as unwell.

Suspected drug-related activities by young people are not necessarily inspired by discontent or disrespect. Drug use can be about experimentation; that is, risk seeking as a youthful rite of passage. It can also be associated with enduring emotional problems, racism issues, family conflicts, school-yard bullying and learning difficulties. Managing an incident, therefore, particularly at the initial step of intervention, requires skilled assessment of the situation and circumstances. The procedural guidelines that follow in Part 3 of *Intervention matters* are designed to assist staff in ensuring their judgments lead to authoritative, caring, safe and effective intervention and management strategies.

### Differentiating: legal, unsanctioned and illicit

It is important for schools to understand and differentiate between legal, unsanctioned and illegal drugs and drug-related behaviours. Coffee and other caffeine-related substances are both legal and generally sanctioned in schools. However, schools are advised to carefully consider the sales of caffeinated drinks and high energy bars in their canteens. Unsanctioned behaviours are behaviours in a school setting which may not be illegal, but are against the school rules and behaviour code. Many substances, including tobacco, are unsanctioned on school grounds.

Alcohol consumption is generally illegal for a young person in a public place such as a school. It is illegal to supply paints, solvents and other volatile substances if the intention is to inhale. School communities are advised to outline clear instructions to their communities about the unsanctioned status of each drug on their school grounds. What comprises illicit and unsanctioned drugs, as well as drug paraphernalia, is set out in Appendix F, whilst a quick reference guide can be found inside the back cover of this book.

### The boundaries of schools' jurisdiction

*Intervention matters* provides procedures and guidance on how schools should manage suspected drug-related incidents.

Neither schools nor the Department of Education and Children's Services are authorised to conduct drug tests or to insist they can be conducted as a condition of re-entry following a suspension or exclusion.

Where principals believe there is a need to conduct a search to investigate a suspected drug related incident, police should be contacted to do so, unless the principal is certain that if they do not conduct the search, the student or others will be put at grave and immediate risk. The conduct of searches by school personnel or anyone other than police is illegal and may destroy evidence important to a legal investigation. It may also result in criminal proceedings for wrongful imprisonment or assault if students are detained against their will while a search is conducted. Police may consider it appropriate to conduct a search, which may involve a sniffer dog, and may need to organise a search warrant to do so. The illegal conduct of searches may also result in civil proceedings for compensation for distress to students.



### Managing personal disclosure

Whilst the parameters of this procedural framework are the use, possession and/or distribution of drugs in school or at school functions, there are other drug-related issues in which school personnel may become involved. For example, a school student may choose to disclose to a school staff member about their use of a drug, or they may express concern for their safety because of the drug use of others. Whilst the drug incidence occurs *outside* the school's jurisdiction, it still influences the student and their school life. For this reason, the following guidance is provided for school personnel.

- All responses should be guided by the school's duty of care for student welfare and harm minimisation, which requires schools to make strategic efforts to optimise students' health, welfare and safety.
- Some disclosures regarding harmful drug use will require school personnel to act in their roles as mandatory reporters.
- If the incident does not require that response, school personnel can discuss with the student referral of the student to the designated support personnel, such as a school/student counsellor, the school chaplain or the student welfare committee, who will determine the levels of response.
- Alternatively, the staff member may make a professional judgment to discuss the matter with the school principal who may, in consultation with the student, make the decision to consult with others, such as DECS drug strategy personnel or, in some cases, their local police for clarification.
- Paramount is to ensure support for the student. This could involve suggesting to students the referral options of an outside agency, such as DASC. Any negotiations to include parents/caregivers should also be undertaken with the student.
- Personal disclosures can also be about suspected illegal activities in the community, such as a student describing the possibility of hydroponic propagation of cannabis plants in a nearby house. It may even involve the substance use of parents or caregivers. Again, such disclosures are beyond the jurisdiction of the school to act, except that police should be advised. Anonymous reports can be made to *Crime Stoppers* on 1800 333 000.

### Involving parents

Parents need to know as soon as possible if their child is involved in a suspected drug-related incident. Unless there are strong reasons to suggest that parents should not be contacted, such as jeopardising the safety of the student or compromising police investigation, involving parents can have a positive influence on the intervention. However, the student's age and nature of the issue need also to be considered, together with their expectations of confidentiality. For example, for students of 18 years or older, there is no obligation to inform or seek cooperation of parents; indeed these students may elect not to involve parents.

School personnel should be mindful that the issue is a sensitive one which may elicit a number of responses from parents, including disappointment, anger and, possibly, fear that their own drug use might be uncovered. School personnel should use their professional judgment and contextual understandings when parental contact is problematic. Building rapport includes being non-judgmental, empathetic and avoiding blame. Particularly in instances where parents contact the school with concerns about their children's drug misuse, it also means supporting parents in providing them with resources and referrals if appropriate.

## Part 2: Important issues around schools and drugs

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### Supporting multicultural and Aboriginal students

If the intervention involves working with students and families from culturally or linguistically diverse backgrounds, as well as Aboriginal families, it is important to consider ways of acknowledging culturally specific needs. This may include an interpreter through the SA Interpreting and Translating Centre or through ABC International Pty Ltd (Translating and Interpreting Services). Schools needing additional Aboriginal cultural support should call on their AEW (Aboriginal Education Worker), if available; further support can be requested through the Aboriginal Youth Team. Schools needing additional support for students and families from culturally and linguistically diverse backgrounds, should call the Languages and Multicultural Education Group. Additional support can also be requested through the Student Inclusion and Wellbeing Coordinator in district offices. All contact phone numbers are in the list of support services at the end of this book.

### The need for professional judgment

Effective interventions are a reflection of a healthy school culture where the desired outcome is the building of knowledge, skills and dispositions, which serve all students to live healthy and productive lives. It is recognised that all schools currently utilise a range of strategies to build knowledge, skills and dispositions around behavioural incidents of all forms. At times principals make judgments to suspend/exclude students from attendance at school as the most fitting educational, punitive and deterrent response. These judgments are informed by Section 2 of the School Discipline Policy on Suspension, Exclusion and Expulsion procedures. Beyond this, most schools have their own range of strategies, which may include cleaning the school yard or school community service, which are employed for realising educative, punitive and deterrent outcomes.

At times an investigation by the principal or delegate, or by the police, will confirm that a student has been involved in a drug-related incident. The principal or delegate will then need to make a decision about consequences, depending upon the nature of the incident or the ongoing drug-related issues with a particular student. Underlying this decision will be a school community policy about the goals and processes of an effective intervention.

Important considerations for principals/delegates when aiming for an effective intervention include:

- In what way can the intervention be **educative**, where the student learns to make healthy lifestyle choices, as well as learning what it means to be part of a fair and just organisation?
- In what way should it be **punitive**, where the student experiences the loss of privileges because of inappropriate behaviour?
- In what way should it be a **deterrent**, where all members of the school community understand the boundaries of community living?

Appendix B of *Intervention matters* provides a number of scenarios of real life incidents where schools intervened in simple and clearly defined ways. School personnel are advised to read through these scenarios, which could also be used as resources for professional development around developing Whole School Drug Strategies.

For example, it is important to consider that criminal sanctions may also be imposed as a consequence of police involvement. Scenarios 1, 4, 5 and 6 provide an outline of possible police responses to drug-related offences. Wanting to prevent illegal behaviour will be one consideration for principals or their delegates in determining the consequences for involvement in a drug-related incident.

## Part 2: Important issues around schools and drugs



However, schools also need to be concerned with the range of circumstances around the inappropriate behaviours of using, possessing and/or distributing substances whether the substance is illicit or unsanctioned. For example, possessing an illicit drug at school may be associated with seeking acceptance or favour as a response to bullying behaviour. Police will respond to the offence of possession of an illicit drug, whilst the school will also want to include a concern for the associated bullying when managing such an incident. This is highlighted in scenario 1.

The call for professional judgment also implies, for example, that no two glue sniffing incidents need be treated the same and with the *same* disciplinary response, such as suspension or exclusion or some other standard disciplinary consequence. The potential for expectations of such response can be minimised if school communities develop their policies and procedures and communicate and publicise them using a range of forums.

Furthermore, whilst not playing down the seriousness of the incident, schools do not need to overdramatise suspected drug-related incidents: for example, once students have been interviewed by the principal/delegate and pending police enquiries, they could, if appropriate, return to normal classes in the interim.

Schools will need appropriate facilities to ensure privacy when students are being supervised, when students, parents/caregivers or police are in conference and when caring for unwell students.

Educating all students and the wider school community about the diversity of circumstances surrounding all incidents and the desire to be fair and just in managing all incidents will work towards successful outcomes.

### Managing the media

Some more serious incidents will attract media attention. Schools are advised to appoint a coordinator, usually the principal, for any contact with the media. Before any comment is made to media, the district director or the DECS Communications Manager should be contacted for advice concerning who is the most appropriate spokesperson. That person should have an accurate picture of the events that have occurred and be prepared with a statement to present to journalists. However, the statement must not include personal details, such as names of any students. The department's head office can also provide advice and support. If you are unsure about how to manage a contentious media issue or a potential media issue, call the department's Communications Manager (8226 7904).

Inaccurate information or a statement of 'no comment' will give a false impression of events and may imply that there is something to be covered up or lead to idle speculation. Staff, especially front office staff, should be briefed on who the appointed media spokesperson is and to take calls from journalists, together with contact details, and inform them that their calls will be returned. Even if your school response is that the matter is under investigation or in the hands of the police, it is important that calls are returned.

Media representatives should be treated with respect as they are doing their job. On the other hand, they do not have the right to enter school premises without permission and it would be inappropriate to allow distressed school members to be interviewed or photographed.





## Part 3: Managing suspected drug-related incidents



This part of *Intervention matters* provides procedures for managing suspected drug-related incidents. An overview of managing incidents is provided on page 24, followed by more detailed procedures.

This is necessarily a non-contextual outline of procedures: it is provided as a guide and as a means of supporting school communities in reviewing and refining their current procedures and rationales for managing suspected drug-related incidents.

What the following procedures illustrate is that incident management is not an event, but a purposeful process—to do something good for students—that draws on existing policies and the principles of natural justice in shaping its form and detail. It is a process that could span one day for minor incidents to beyond ten weeks for serious incidents involving students at risk of significant long-term harm (those who might be physically, mentally and educationally at risk).

These procedures do not provide detail about the educational setting (school, camp site, swimming carnival) or the people (number, age, maturity) or the tone (despairing, mischievous, intimidating).

The procedures do, however, display two main characteristics:

- they are consistent with the shared procedural values underpinning this policy statement and procedural framework; that is they value student welfare, utilise partnerships and employ student development plan practices
- they demonstrate the obligations on schools as defined by existing policies, such as the OHS&W policy and the School Discipline Policy, as well as the rules of procedural fairness under the principles of natural justice.

Schools, and principals in particular, need to use their professional judgment in determining when and whom to notify in the case of suspected drug-related incidents. The seriousness of the incident will frequently influence the decision of whom to contact.

- In the case of illicit drugs, both police and the district director must be notified.
- In the case of legal drugs being used illegally, principals are advised to contact police for advice. Seeking police as 'collaborative partners' will greatly assist in dealing with the complexity of some incidents. If police become involved, district directors should be notified. The obligation to notify both these parties becomes increasingly stronger, the more serious the incident.
- In the case of legal drugs being used in an unsanctioned way, principals should use their discretion as to whom to contact; in incidents where a large quantity of a legal but unsanctioned drug is involved, the principal/delegate may choose to contact the police and/or their district director for further support.

In all incidents, schools should take a 'welfare first' approach.

Appendix A elaborates further on the roles of participants involved in suspected drug-related incidents. An informal procedural checklist and formal pro formas for recording procedures and interviews are also provided in the appendix. Schools are advised to distribute copies of the list of support services at the end of this book to counsellors and school leaders, and have copies readily available in the staff room and front office.

# Part 3: Managing suspected drug-related incidents

## Managing suspected drug-related incidents in overview (see also further detailed procedures)

<b>Incident</b>	Student/s suspected of possessing, distributing or using a drug, including being drug affected.			
<b>Initial procedures —all drugs</b>	<p>Calmly but firmly intervene ensuring the safety and health of student/s and particularly utilising OHS&amp;W principles in caring for yourself.</p> <ol style="list-style-type: none"> <li>1 Consider calling on additional staff. If intervening staff member is not a teacher, a teacher should be called to the scene.</li> <li>2 Inform student/s of suspicion and seek their cooperation.</li> <li>3 Make a first aid assessment (and if necessary seek medical support).</li> <li>4 Note incident details—who, what, when, and where.</li> <li>5 Safely, collect any suspected drugs and drug paraphernalia.</li> <li>6 Escort student/s to principal and hand over with details of incident.</li> </ol>			
<b>Principal/delegate initial interview</b>	<ol style="list-style-type: none"> <li>7 Continue to monitor student safety.</li> <li>8 Secure evidence.</li> <li>9 Make initial assessment of seriousness of incident.</li> <li>10 Inform student/s of the form of proceedings and their rights.</li> <li>11 Determine and contact participants as appropriate—student parents/caregivers and procedural observer.</li> <li>12 Ensure all participants understand proceedings and roles.</li> <li>13 Interview student/s to collect and document facts about the incident.</li> <li>14 Determine next level of involvement.</li> </ol>			
<b>Assessment</b>	15 Use/possession/distribution of illegal substance or unidentified substance	15 Use/possession/distribution of legal substance but illegal behaviour	15 Use/possession/distribution of legal substance but unsanctioned behaviour	15 No substance, no confession of drug use but unusual behaviour suggests drug use
	16 Suspend interview and contact police to investigate/identify	16 May need to contact police for clarification or notification	16 Use professional judgment to determine if need to inform police	<ul style="list-style-type: none"> <li>• Treat the student as being unwell according to the Health Support Planning guidelines.</li> <li>• Contact parents/caregivers to collect unwell student</li> </ul>
<b>Following actions</b>	17 Make decisions about consequences, including educative, punitive and deterrent.			
	<ol style="list-style-type: none"> <li>18 Where necessary, organise and implement student development plans as a part of the consequence: <ul style="list-style-type: none"> <li>• ongoing educational support</li> <li>• counselling</li> <li>• re-entry planning if student has been suspended.</li> </ul> </li> <li>19 Debrief staff and review school policy.</li> </ol>			

## Initial procedures—all drugs

What?	How?	Why?
<b>Keep calm</b>	Keep calm in order to work through the procedures for managing the incident.	<p><b>OHS&amp;W obligations</b></p> <p>Be conscious of safety especially if the incident involves a large group. Consider asking for another staff member of the same gender as the student if possible to support you in this intervention.</p> <p><b>Duty of care</b></p> <p>Ensure the student's health is satisfactory. If the student's condition appears critical (because s/he is unconscious, struggling to breathe, delirious, etc), do not move him/her but call an ambulance. Police attendance will only be automatic in the case of a fatal overdose or if ambulance officers are threatened with violence.</p> <p>For some students, drug use has been connected to a history of mental anguish and self-harm. Compassion and protection need to shape the form of intervention in such cases.</p> <p>Intervention into a suspected drug-related incident is necessary to protect students (whether participants or observers) from foreseeable harm.</p> <p><b>Health Support Planning Guidelines</b></p> <p>Any investigation of the incident may need to be suspended if the student's physical or mental state appears compromised.</p> <p>When no drug is present (but the student seems agitated, un-coordinated or dazed), school staff must treat the student as unwell, in line with first aid procedures.</p> <p><b>Duty of care</b></p> <p>A staff member with First Aid training continually supervises the student.</p> <p><b>Legal obligations, including OHS&amp;W</b></p> <p>Keep accurate records because any written record about the incident can be subpoenaed. Police have the power to search students and their belongings, including bags and lockers. Principals can search when they are absolutely certain not doing so may put other students at risk, but it is recommended that principals leave searching to police if possible. Police may need information to substantiate a search.</p> <p><b>Natural justice</b></p> <p>A precisely recorded incident statement is a basis for providing a student with a clear description of what is suspected.</p> <p>Take measures to ensure that your written record contains an accurate summary of the intervening teacher's observations and interactions.</p>
<b>Consider staff support</b>	Decide whether to seek the support of another staff member before intervening. Teaching staff must be involved.	
<b>Inform student/s</b>	When you intervene, inform the students of your initial suspicions and your concern for their welfare. Seek their cooperation whenever possible.	
<b>Ensure safety of student/s</b>	Determine the need for First Aid, mental health support, or physical support. If they appear unwell, uncoordinated or in a daze, immediately follow first aid procedures. If they appear physically well and coherent, continue procedures.	
<b>Get the facts and evidence</b>	Ask the student/s about the identity of the possible drug and who appears to be involved. Obtain the substance and/or any related paraphernalia for handover to principal. Without evidence, don't make assumptions. <b><i>Police are the most appropriate people to engage in searches for drugs.</i></b>	
<b>Keep student/s informed</b>	Inform the student/s of the procedures to follow.	
<b>Escort student to place of interview</b>	Have the student/s wait under adult supervision in as private a place as possible. <i>Most commonly, school-based incidents are formally assessed in an appropriate schoolroom. On school camps, excursions or other school events off site, a judgment will need to be made about available facilities (or the feasibility of returning to school) to conduct interviews in privacy.</i>	
<b>Hand over responsibility to principal or delegate</b>	Inform the principal/delegate of the suspected drug-related incident. Include who was involved, what you observed and when and where this occurred and your assessment of his/her state of health. Record this information—see example pro forma initial incident record in Appendix A.	

## Principal/delegate initial interview—all drugs

What?	How?	Why?
<b>Student safety</b>	Continue to monitor health of student.	<p><b>Legal obligations</b></p> <p>Any suspected drug or related paraphernalia must be obtained and stored in a locked place which only the principal/delegate has access to, until handed over to the police. Utilise a witness to secure substance. (OHS&amp;W)</p> <p><b>Natural justice</b></p> <p>It is best practice to utilise natural justice during this phase of the intervention. That is:</p> <ul style="list-style-type: none"> <li>• the right to know the procedures</li> <li>• the right to know the allegation</li> <li>• the right to be heard</li> <li>• the right of the student to be represented by an advocate of their choice.</li> </ul> <p>Including an adult advocate for the student (most commonly the student's carer if the student gives permission) will help to ensure the student understands the proceedings and the facts surrounding the alleged incident.</p> <p>Where there are several students involved in an incident, each student will need to be interviewed individually.</p> <p>Avoid blame or negative labelling—the object is to collect and document the facts in order to make a balanced decision about the appropriate courses of action.</p> <p><b>Legal obligations</b></p> <p>It is not within the jurisdiction of schools to investigate incidents (crimes) where illicit drugs are involved until the police have resolved their involvement; hence the obligation to engage police (see next page).</p> <p>If you are unsure about the legal status of a suspected drug, police support will be required.</p> <p><b>Student welfare</b></p> <p>The desired outcomes of this intervention are the continuing education, health and welfare of all students. Ensure the (qualified) right to privacy in an effort not to stigmatise a student.</p>
<b>Principal receives and secures evidence</b>	The principal/delegate receives any suspected drug and any drug-related paraphernalia and secures it, witnessed by a staff member.	
<b>Initial assessment to determine further proceedings</b>	Make an initial assessment of the potential seriousness of the incident in order to determine the level of subsequent procedures.	
<b>Inform student/s and seek cooperation</b>	Inform the student/s about the procedures they are about to experience. Seek their voluntary cooperation.	
<b>Determine participants</b>	Depending on the perceived seriousness of the incident, the negotiation of adult advocate and procedural observer may be warranted.	
<b>Contact parents/caregivers</b>	Contact the student's parents/caregivers and arrange with the student to include them if the student chooses, as an advocate in the proceedings. Students 18 years and older may choose not to have their parents informed.	
<b>Involve procedural observer</b>	If a procedural observer is to be utilised, it is recommended that they are an EO trained staff member. They will ensure the rules of procedural fairness are followed in the interview and record the proceedings and facts.	
<b>Clarify purposes and understandings</b>	<p>Ensure the student and parents/caregivers understand:</p> <ul style="list-style-type: none"> <li>• the reason for the formal meeting and the possible outcomes</li> <li>• the role of each person in relation to <i>procedural fairness</i>, as well as how special needs will be accommodated if necessary.</li> </ul> <p>In some circumstances, school personnel may need to allocate time for the student and carer to meet privately to discuss issues and return to the interview.</p>	
<b>Review evidence and determine further action</b>	<p>Interview the student to formally ascertain and document the facts. Use the student interview record in Appendix A to document facts and observations. Initially ascertain:</p> <ul style="list-style-type: none"> <li>• the student's involvement in the incident</li> <li>• the student's confirmation or denial about the nature of the suspected drug.</li> </ul> <p>In partnership with the student, parents/caregivers if present, and/or advocate, review the evidence and determine if the student's behaviour is related to:</p> <ul style="list-style-type: none"> <li>• illicit drugs</li> <li>• legal drugs but illegal or unsanctioned behaviour. Appendix F assists in determining the legal status of behaviour around drugs, drug paraphernalia, alcohol and cigarettes.</li> </ul> <p>Where a student's unusual behaviour cannot be linked to any drug use, carry out the school's student health management procedures in consultation with parents/caregivers.</p>	

## Assessment to determine consequences

What?	How?	Why?
<b>Drug identified as... Illicit drug</b>	<ul style="list-style-type: none"> <li>If confirmation is given that an illicit drug is involved, suspend the interview and call the police—all school investigations into the incident are put on hold until the police investigation is complete.</li> <li>Whenever possible, police should interview students at home in the presence of a responsible adult.</li> <li>If the police are called, inform the district director.</li> <li>The police may determine the need to search students' and school property (or camp site, etc).</li> <li>Depending on the circumstances, the police may                             <ul style="list-style-type: none"> <li>divert the student through the Police Drug Diversion Initiative</li> <li>formally caution the student.</li> </ul> </li> <li>On being satisfied that the evidence demonstrates an illegal drug-related incident has occurred, a professional judgment about consequent actions to take is determined in partnership with the student and caregivers, with paramount concern for student welfare.</li> </ul>	<p><b>Legal obligations, including OHS&amp;W</b></p> <ul style="list-style-type: none"> <li>Principals/delegates managing incidents must be aware of monitoring and caring for their own stress, safety and welfare during incident proceedings.</li> <li>Only the police have the authority to investigate illegal drug incidents, and request laboratory testing to identify a suspected drug.</li> <li>Police should be called if investigating legal or unsanctioned drug incidents (eg distributing prescription drugs).</li> <li>The <i>Summary Offences Act</i> prescribes that police may not interview a child without a responsible adult present to represent the child.</li> </ul> <p><b>Police Drug Diversion Initiative</b></p> <p>All students in possession of or using illicit drugs, including illegally possessing or using prescription drugs, will be diverted to assessment and counselling.</p> <p><b>Procedures for Suspension, Exclusion and Expulsion (SEE)</b></p> <ul style="list-style-type: none"> <li>Disciplinary actions are determined for inappropriate behaviour(s), rather than for the drugs in the incident.</li> <li>Disciplinary actions may include suspensions and exclusions (with notice in writing).</li> <li>Disciplinary actions that include suspensions or exclusions are arranged in accordance with the SEE procedures in the School Discipline Policy.</li> </ul> <p><b>Student welfare</b></p> <p>Decision making processes necessitate <i>professional judgment</i> about the range of educational, welfare and disciplinary actions to take. Issues to influence decision making are:</p> <ul style="list-style-type: none"> <li>an abiding concern for the continuing education of the student (and of all students)</li> <li>the good order and reputation of the school</li> <li>maintaining the school as a safe environment.</li> </ul>
<b>Legal drug but illegal or unsanctioned behaviour</b>	<p>If it is established that a legal drug has been used in an illegal manner, the principal/delegate may need to contact police for clarification of the level of police involvement required. District directors should be notified if police are to be involved.</p> <p>DECS policy dictates no smoking on school sites. Smoking at school, where no cigarettes have been distributed, is therefore legal but unsanctioned.</p>	<p><b>Student welfare</b></p> <p>Decision making processes necessitate <i>professional judgment</i> about the range of educational, welfare and disciplinary actions to take. Issues to influence decision making are:</p> <ul style="list-style-type: none"> <li>an abiding concern for the continuing education of the student (and of all students)</li> <li>the good order and reputation of the school</li> <li>maintaining the school as a safe environment.</li> </ul>
<b>Consequences</b>	<p>Consequences may be determined by applying natural justice principles, together with the school discipline policy. This may include the SEE procedures from the DECS School Discipline Policy. If cigarette dependency is an issue, teachers could suggest students contact the Quitline on 13 18 48.</p>	<p>Decision making processes necessitate <i>professional judgment</i> about the range of educational, welfare and disciplinary actions to take. Issues to influence decision making are:</p> <ul style="list-style-type: none"> <li>an abiding concern for the continuing education of the student (and of all students)</li> <li>the good order and reputation of the school</li> <li>maintaining the school as a safe environment.</li> </ul>
<b>Drug not identified</b>	<p>If, by the end of the interview, the identity of a suspect drug has not been confirmed by a student, the police must be called to investigate.</p>	<ul style="list-style-type: none"> <li>the good order and reputation of the school</li> <li>maintaining the school as a safe environment.</li> </ul>
<b>No drug found but unusual behaviour suggests drug use</b>	<p>Following Health Support Planning guidelines, students should be treated as unwell and parents should be contacted to collect them.</p>	<p>If a student under the age of compulsion is suspended or excluded, the school is mandated to support their continuing education while they are off-site. This may mean organising for an alternative education provider during the period away from school.</p>
<b>Decision</b>	<p>Student informed of decision and any appeal/review process.</p>	<p><b>Natural justice</b></p> <p>Law and principles of natural justice dictate that the student should be informed of any decision and have the right to appeal if appropriate. If necessary, this may mean working with multicultural, refugee or Aboriginal support personnel or engaging interpreters. See support services at the end of this book for contact details.</p>

## Following actions

What?	How?	Why?
<b>Student development plan</b>	<ul style="list-style-type: none"> <li>• Appoint a member of staff to plan, monitor and facilitate a student development plan.</li> <li>• Student development plans can include:               <ul style="list-style-type: none"> <li>– suggesting counselling options, which may include a school support person as well as outside agencies</li> <li>– organising continuing education support</li> <li>– preparing school re-entry procedures.</li> </ul> </li> <li>• Student development plans need also to include procedures which preserve the dignity of the student/s by respecting their privacy.</li> </ul>	<p><b>OHS&amp;W</b></p> <p>Negotiate and reflect upon workloads in the process of managing incidents through the student development plan phase.</p> <p><b>Student welfare</b></p> <p>Student development plans are a significant example of how a school demonstrates its concern for students at risk.</p> <p>The student development plan may involve formal contact with community agencies, with the agreement of the student, eg DASC. However, schools have no authority to enforce student attendance at such agencies.</p> <p>Privacy issues for excluded students are continuously of concern, particularly relating to student development planning at the point of re-entry. The principle concerns here are:</p> <ul style="list-style-type: none"> <li>• the stigmatising of a student</li> <li>• the continuing reputation of the school as a protective institution.</li> </ul> <p><b>Opportunity to reflect upon practice</b></p> <p>In relation to the events (not the students) surrounding the incident, a staff meeting is ideal for clarifying the integrity of school philosophy and operating procedures around intervention into suspected drug-related incidents.</p>
<b>Staff review</b>	<p>Following the resolution of a drug incident, provide an opportunity with all staff to review the integrity of the school policy and organisation for handling such incidents effectively. Aspects of school policy that could be addressed include:</p> <ul style="list-style-type: none"> <li>• harm minimisation and student welfare</li> <li>• the procedural values underpinning intervention practices</li> <li>• school/parents or caregivers/police partnerships</li> <li>• professional judgment in relation to educative and punitive determinations</li> <li>• student development planning principles, planning and facilitation</li> <li>• interrelated aspects of the school's overall drug strategy.</li> </ul>	



## Part 4: Developing a school policy



*Intervention matters* is concerned with the policies and procedures segment of the Whole School Drug Strategy and the procedures for incident management. Schools should review or develop their policies in relation to drug issues in the light of *Intervention matters*. Nevertheless, it is important for schools to see an intervention policy as being one part of their Whole School Drug Strategy which includes school environment, partnerships and curriculum, as well as policies and procedures.



*'Strong partnerships will not happen by accident, good will or establishing ad hoc projects. They require new structures, new activities, and a rethinking of the internal workings of each institution as well as their inter-institutional workings.'* (Fullan, 1993, p.96)

## Part 4: Developing a school policy

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### Why have a Whole School Drug Strategy?

Those school communities with a Whole School Drug Strategy that includes the following aspects will find their understanding and ability to respond to drug-related incidents greatly enhanced.

- The drug education 'prevention program' is mapped throughout the school and operates within a harm minimisation framework. This includes formal curriculum and a broad focus on resilience building.
- The successful integration of the principles of natural justice (procedural fairness) occurs throughout the school.
- There is an appreciation of the role of school as an important 'protective factor', contributing to the development of student resilience. The school has published clear boundaries, coupled with supports for those individuals who fall outside of the school rules.
- The school has an active communication strategy that ensures that parents, staff and students are aware of the school's stance in regard to illegal and unsanctioned drug use in the school (or school activities such as camps). For example, students are aware that if an illicit drug is involved, then the police would be engaged; parents/caregivers/families would be notified and invited to attend; and a staff member may sit in on the interview as a procedural observer.
- The school has an orientation/induction process for new students, staff, contract teachers and relieving teachers which is part of ongoing practice.
- There is a student welfare team that works closely with school leadership (including year level coordinators) to support students and encourage positive behavioural change in identified students.
- The school takes a proactive approach to yard duty, including direct phone contact with the school administration for staff supervising the more distant sections of the school, and the ability to call for assistance from additional staff should the need arise.
- The school has well developed partnerships with a range of community groups, including the police and providers of drug-related counselling. Pre-existing relationships tend to facilitate easier referral.

Typically then, when developing a policy for responding to drug-related incidents, school communities can discuss where drug education fits within the school. It acknowledges the prevention aspects that are in place both within the formal curriculum (knowledge, values, and interpersonal skills), as well as the protection which can be offered through the broader school environment. Schools are in the fortunate position of being able to offer a range of protective factors and can be places which work towards resiliency building for all students.

As schools or centres develop or review both their Whole School Drug Strategy and their policy to enable better management of drug-related incidents, there are some significant issues for them to consider which will support them being owned and shared by all of the school community. For example, the processes that a school community employs are just as important as the production of the final documentation. A great deal of the learning will occur during the developmental phase of a school-based policy.

It is important to identify, and then engage, everyone concerned in both the consultative and developmental phases of strategy and policy development. School personnel, parents/caregivers, students and community members, including drug and alcohol workers or health professionals, together with the local police, are the obvious partners. The specific community context will determine the make up of this representative group.

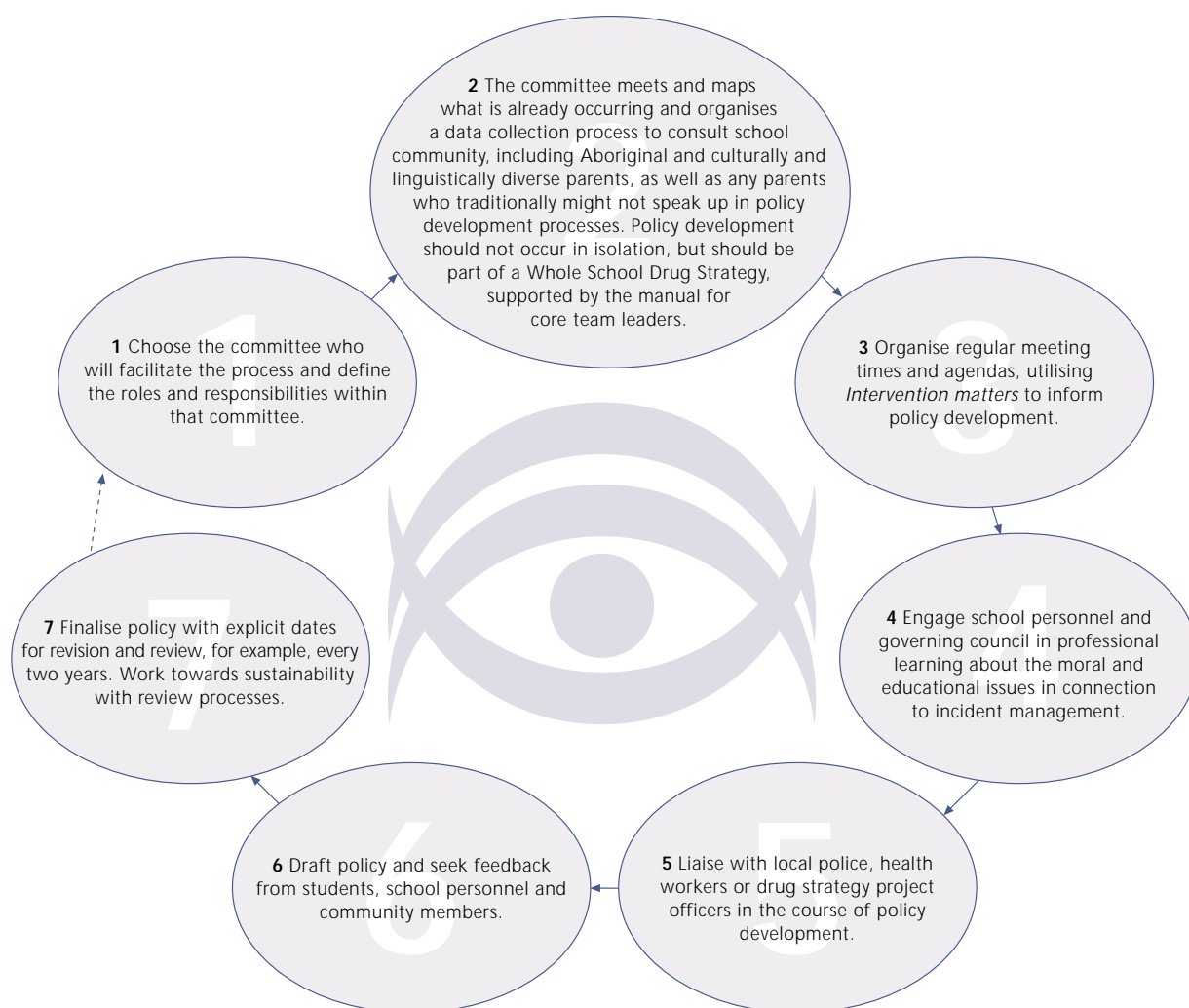
## Part 4: Developing a school policy



Having the process managed by a representative committee is important in ensuring the development of a widely agreed strategy and policy. In schools which have worked with the Drug Strategy, a core team or committee of representative community members who are already functioning will be the logical option to support strategy and policy development.

Schools are advised to work with the manual for core team leaders (DECS, forthcoming), which assists schools to develop a Whole School Drug Strategy in a holistic manner, with intervention being an integral part of this strategy.

When developing school policies in relation to drug issues, core teams should state the school's underpinning principles and beliefs, for example, that they are taking a student welfare, partnerships, natural justice and harm minimisation approach to incidents. Policies should also outline the procedures, roles and responsibilities during an incident. The ongoing review and refinement of school-based policy at its best is a collaborative undertaking, coordinated by a committee or core team. Schools may wish to adopt the suggested cycle outlined in Figure 3.



**Figure 3: Suggested cycle for policy development**

## Part 4: Developing a school policy

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### Why have a school policy for intervention?

Schools will achieve greater clarity and consistency in incident management if they have a written school policy statement, school-designed procedural steps and documentation for recording the details of any suspected drug incident. The policy statement, written as an integral component of the Whole School Drug Strategy, will inform the procedural steps that schools will take in the intervention of any suspected drug-related incident. In turn, the procedural steps will inform the documentation schools will devise in order to manage and record incidents. Part 3 and Appendix A will provide a strong starting point to develop procedural steps. Schools should display policies and procedures in a prominent place where staff can refer to them.

Having in place an intervention strategy which has been developed and is owned by school communities, and where partnerships have been established in advance, including those between school personnel, students and parents/caregivers, will greatly enhance the safety and welfare of staff, as well as reduce the amount of time spent on individual incidents.

### Staff welfare

Schools must give careful consideration to the OHS&W needs of all personnel, including the principal/delegate. Procedures need to be developed which give due consideration to the safety and welfare of staff who will be required to implement them. In adapting the procedures provided in *Intervention matters* to the local context, schools might, for example, consider mobile phones for teachers on yard duty if this is considered appropriate and pairing of teachers in the more remote areas.

OHS&W legislation exists for the purpose of providing personnel with a safe working environment. It is hoped the values, principles and framework in this document will support the principles of OHS&W by supporting all school personnel with increased skill, knowledge and confidence about managing suspected drug-related incidents.

Careful consultation, which is defined as giving those to be affected by the outcome a genuine chance to influence decisions while they are being made, is an essential component of a healthy workplace, but one that requires time in local policy development. Reviewing OHS&W practices within incident management needs to occur regularly within a spirit of continuous improvement.

All school staff should know the designated policy management committee, student wellbeing coordinator and the first aid support staff. For individual incidents, those staff who need to know should be informed of who the principal's delegate and the student support person are.

Consideration must be given for risk management, psychological health, and support for school staff if media attention occurs. In line with OHS&W practices, school leaders will also give consideration to managing the learning and change process for their staff and community in relation to work loads, allocation of roles, timing and communication proceedings.

Endorsement of school policy development in collaboration with school communities will also support OHS&W principles, since communities have an increased opportunity for awareness and knowledge of the procedures to expect for incident management.

### Time management

It is important to recognise that managing a drug-related incident may involve large groups of students and can require a great deal of the principal/delegate's time and skill. Careful



procedures, which utilise the principles of natural justice and take a student welfare and discipline approach, may mean procedures can extend over a number of days. Staff involved, especially the principal or delegate, will not have planned to allocate this time to incident management. If a school also utilises a procedural observer as a principle of natural justice this is another human resource which is called upon in skilled incident management.

The complexities of incident management are not only connected to the interruptions to school life, where considerable amounts of unplanned time must be allocated to the needs of particular students. The individual school setting or contextual complexity of incident management may also extend to the amount of time it may take the police to arrive, for example, if they are required in a country school setting. Furthermore, there is the position parents/caregivers may take towards the school as all individuals involved move through incident processes.

### Student development planning

When a student is to be suspended or excluded as a result of a confirmed drug-related incident, schools should initiate a Student Development Plan. Student development planning is a term encompassing a range of plans, practices and partnerships designed to optimise the health, continuing education and re-integration of a student during, and in some cases following, the disciplinary period of suspension and exclusion.

The prevailing call of student welfare requires schools to support the continuing participation and achievement of students throughout their schooling. For some students, drug-related behaviours are associated with other 'difficulties' in their lives, such as personal, social and/or educational. Accordingly, suspensions and exclusions *alone* can further alienate, rather than redress, unacceptable behaviours and thus fail to re-engage students with their education.

The school-based response will need to be determined within the principles of natural justice and the school's agreed response to those students who act against the accepted school behaviour code. Significant concerns at this point may include:

- supporting the student in realising the consequences (health, educational, social) of behaviours that are deemed unacceptable in the school community
- maintaining the good order and reputation of the school
- preserving in confidence the student's identity, so far as that is possible
- conducting and documenting the process in accordance with the principles of natural justice.

Effective student development planning is best guided by school-developed procedures that establish:

- the appointment of a person to manage the student development plan. This will most likely be the school/student counsellor if the school has one on site. They will collaborate and liaise with the interested parties, such as the student's teachers, parents/caregivers, DASC or other agency, to develop a plan that will contribute to the goal of healthy lifestyle choices and successful continuing education
- a student development plan that may include agreed statements about short and longer term goals, performance agreements, partnership reviews, timelines, etc. Such plans will need to be sensitive to the student's history, especially where self-harm has been a part of that history
- a carefully managed re-entry program. This can be particularly testing because of the student's ill-found notoriety or stigmatisation and can be seen to be at odds with the continuing good reputation of the school as a welcoming and safe place. An important issue in student development planning is the maintenance of student confidentiality.

## Part 4: Developing a school policy

### Developing common understandings

Schools are encouraged to consider the partnership aspects of creating local policy, including partnerships with police, outside agencies and the wider community. All partners will need to recognise and understand the conceptual breadth of this policy statement and procedural framework. They will also need to reach some common understandings around the practical, ethical, educational, legal and pragmatic implications. The following questions will support partnerships in reaching common understandings by inviting them to reflect on current practice, confirm those practices that are deemed rational, fair and effective, and revise those that are not.

- Does the school community understand the theoretical foundations of *Intervention matters*—its rationale, value orientation, legal obligations and the principles of natural justice?
- Is *Intervention matters* recognised as a part only of a broader Drug Strategy in the school?
- Is what counts as a suspected drug-related incident understood by all?
- Is it clear how existing DECS policies contribute to the coherence of *Intervention matters*?
- Do all interested parties understand the boundaries between the authority and jurisdiction of the school, and the authority and jurisdiction of the police?
- Is it clear that it is usually the police who have the authority to search personal property and school property when investigating a drug-related incident?
- Is the legal status of drugs and drug-related behaviours clear to all?
- Are people aware that there are no standardised disciplinary responses recommended for schools (nor within schools for similar drug-related behaviours displayed by different students) and thus professional judgment is needed?

In addition to engaging with the policy framework outlined in *Intervention matters*, schools will need to ask themselves the following:

- Does the school need to provide training and development for staff in relation to:
  - student welfare orientation?
  - first aid and emergency procedures?
  - procedural fairness?
  - procedural steps in intervention and investigation?
  - intervention as a partnership?
  - the ingredients of professional judgment?
- Is there scope to refine the school policy on managing suspected drug-related incidents in order to complement *Intervention matters*?
- Has the school produced a set of procedures for guiding staff interventions on school grounds as well as at off-site school functions?
- Has the school used the pro forma for Student Development Plans available in the *School discipline policy implementation kit* (DECS, 1996)?
- Has the school planned, as a precondition to effective incident management, appropriate spaces for conducting investigations, for conferencing parents/caregivers, and for supporting students who are unwell?
- Are special efforts needed to communicate/disseminate the school's (current or revised) policy and procedures to all school community members?
- Has the school established, prior to any future incident, effective liaison links/partnerships with relevant community services (medical, police, counselling, ambulance)?

## Part 4: Developing a school policy



- Are the school's policy/procedures appropriate for the diversity in the student population (age, maturity, culture, language) and the prospective diversity in the situations where incidents can occur (in-school and at off-site locations)?

Schools, then, will strive to create a local policy for managing suspected drug-related incidents which has the following aspects:

- an 'intervention process', including clear procedures developed through collaboration with teachers and other staff, parents, students and community representatives. Underpinning values for the wellbeing and safety of both staff and students is paramount
- links between drug policy and school policies, such as Staff and Student Behaviour Codes, Medication Management, School Discipline Policy and OHS&W
- lines of responsibility within the school when a drug-related incident occurs
- clear boundaries for the school community about inappropriate drug-related behaviour and the supports in place for those who step beyond those limits
- a communication strategy to inform all stakeholders (teachers, students, parents/caregivers, visitors, community members) about the school policy
- drug-related policies that are mindful of wellbeing and privacy issues for anyone involved in a drug-related incident
- the need to collaborate and work with parents/caregivers of students involved in drug issues, as well as the possibility of parents/caregivers taking up the role of the student's advocate as a principle of natural justice during incident management
- the need for police involvement in incidents involving both illicit and unsanctioned drugs, for example, when 'unsanctioned' is the sharing of medication or the sharing of alcohol, both of which are illegal behaviour, even if the particular drugs are legal
- the need to work collaboratively with other community agencies, for example, health professionals or drug and alcohol workers for referral purposes
- the need to inform the student of any formal decision and any subsequent appeal process to which they are entitled
- a formalised staff de-briefing process within the boundaries of appropriate confidentiality.

An exemplar is provided as a model for schools which school committees may choose to use in developing a school policy. Schools are reminded that they should develop their policy in the light of a Whole School Drug Strategy, which can be developed using the manual for core team leaders (DECS, forthcoming).

## Part 4: Developing a school policy

### Exemplar of a school policy

#### Authority

This policy is consistent with *DECS Intervention matters: A policy statement and procedural framework for the management of suspected drug-related incidents in schools*. This policy was developed by our Drug Strategy Core Team in consultation with students, staff, parents and community partners, and endorsed by the SRC, staff and Governing Council on \_\_\_\_\_. To ensure continuous improvement, school procedures will be reviewed after every drug-related incident, whilst the policy will be reviewed at least every two years.

#### Overarching policy statement

Our school is committed to maintaining a safe, secure and supportive environment for its community. This policy is part of our Whole School Drug Strategy that includes a range of curriculum; policies and procedures; and positive school environment initiatives. Our school takes action to prevent drug use by students and to intervene if it occurs by taking a whole of school approach. The use, possession and/or distribution of illicit drugs and the unsanctioned use and distribution of drugs such as alcohol, tobacco and prescription drugs, are not accepted.

#### Links to other school initiatives

This policy also relates to our school's medication management, OHS&W and curriculum policies, and our school's behaviour code.

Drug education is taught as part of a sequential and developmentally appropriate curriculum.

Partnerships are made with parents and community agencies to assist our school to address drug issues.

Student resiliency and wellbeing are promoted.

#### Principles and rationale

The principles of natural justice and procedural fairness will apply in the management of suspected drug-related incidents, as outlined in Appendix D of *Intervention matters*. Our school will implement these in the following way:

- 
- 
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- 

If suspected drug-related incidents occur and drug issues arise, they will be managed and responded to in ways that:

- minimise the harm to all members of the school community
- ensure the wellbeing, educational careers and ongoing support for the students involved
- are both firm and fair.



### Procedures for both school and extra curricular activities

#### Overview

Involvement with drugs, including illicit and unsanctioned drugs, means that school personnel have reason to believe that:

- drugs have been or are being used
- students are in possession of drugs or instruments used with drugs
- students are present when drugs are being used by others.

In the event of a suspected drug-related incident:

- The safety and wellbeing of students will be considered paramount: they may need to be treated as unwell in accordance with the school's health plan and/or emergency procedures.
- Parents will be contacted in instances of possession, use or distribution of illicit drugs or the use and/or illegal distribution of unsanctioned drugs.
- Police will be informed in instances of possession, use or distribution of illicit drugs and/or the illegal distribution of unsanctioned drugs.
- Consequences may vary and will depend on the nature of the situation, its potential for harm and the circumstances of the individual students involved. However, they could involve suspension or exclusion.

Follow-up support for student wellbeing will be implemented.

#### School procedures

Schools should complete the following detailed school procedures by referring to *Intervention matters*, Part 3 (Managing suspected drug-related incidents) and Appendix A (Incident management roles and documentation).

Initial procedures

- 
- 
- 

Initial interview

- 
- 
- 

Assessment

- 
- 
- 

Following actions

- 
- 
- 

#### ***Designated staff***

Principal's delegate: \_\_\_\_\_

Policy management committee leader: \_\_\_\_\_

Student wellbeing coordinator: \_\_\_\_\_

First aid support staff: \_\_\_\_\_

Other relevant student support officers: \_\_\_\_\_



## Appendix A: Incident management roles and documentation



This appendix outlines the roles of participants in incident management and provides examples of checklists and incident records.

When managing suspected drug-related incidents, there will generally be a number of participants, particularly in the investigative stage of the incident interview, where clarification is sought to understand and evaluate the alleged incident.

In addition to the student whose behaviour and welfare are the focus of the interview, these participants will generally include:

- Principal/delegate      whose role it is to collect sufficient evidence upon which to determine how to respond to the alleged incident
- Carers                      whose role can be both advocate for their child as well as partners in the investigation and resultant determinations. It is important to note that partnerships are encouraged, but the final decision is made by the principal/delegate
- Procedural observer      whose role is to ensure that the rules of procedural fairness are followed in the interview.  
(a staff member)

On those less frequent occasions where suspected incidents are perceived to be more serious and consequential, additional participants in the investigation may include:

- Police                        whose participation is required where possible illicit drugs or serious circumstances have been identified. In such circumstances, their investigative role takes precedence over that of the school
- Student advocate        who may be, in the most serious cases, a solicitor contracted by the student or their parents/caregivers; or who may be a student's choice of adult support in place of (or in addition to) the parents/caregivers.

Three of these roles can be greatly benefited by schools undertaking some pre-incident organisation so that the participants can gain clarification about the roles they will perform. These three roles are:

- principal/delegate
- procedural observer
- student advocate.

These roles are outlined, for this purpose, on the following pages.

Furthermore, after the investigative stage, there may well be the necessity to include a student support person. This role is also outlined in the following pages.



## Principal/delegate role

As a partnership, the ideal investigative interview is effectively a shared exploratory conversation between the principal/delegate, student and parents/caregivers. However, with the school leadership responsibilities of the principal/delegate, inevitably they will take the lead in trying to ascertain the facts surrounding the alleged incident and any consequent actions.

An effective investigative interview will be:

- **empathetic**—thus it will build on an understanding that the student's welfare is the principal concern; actively establishing rapport and thereby reducing anxiety early in the process is recommended
- **confidential**—which carries implications for where interviews are conducted; who has access to records; and obligations on all parties present not to divulge details of the proceedings
- **goal directed**—where the goal is to establish the facts; to verify if this is a drug-related incident and to test or corroborate the initial intervening staff member's incident report
- **semi-structured**—since there will be some general exploratory questions around the incident that will be posed, along with more direct fact finding questions which will have arisen from the student's or advocate's responses
- **recorded**—which will most commonly be completed by the principal/delegate but may, in serious cases, call for a recorder. This allows the principal/delegate to concentrate on the interactions between parties involved in the interview. In such instances, this could be an additional role for the procedural observer. An incident record needs to be a sufficiently detailed summary that all interested parties can agree to it. An example is provided later in this appendix.

## Procedural observer role

This role may only be deemed valuable where an incident is considered potentially contentious.

An effective procedural observer:

- understands the principles of natural justice, especially in terms of their application in and translation to investigative and decision making forums
- utilises a recording system that cumulatively accounts for the congruence of natural justice principles and actual procedures as they unfold in an investigative interview
- remains silent throughout the interview unless they identify a possible breach of natural justice principles in the proceedings.

How to intervene and rectify a potential breach is best pre-arranged with all concerned prior to the initiation of the interview.

## Student advocate role

Student advocacy in most cases can be carried by the parents/caregivers. However, the inclusion of an advocate will help fulfil the rules of natural justice governing the interview proceedings in suspected serious cases or in any event where they are requested/required by the student.

The role of student advocate includes interpreter, translator or communicator substituting, where necessary, to be the voice of the student and thus ensuring the student's feelings, experiences and beliefs are presented and understood.

# Appendix A: Incident management roles and documentation

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Thus it is essential to include an advocate if it is anticipated that a student may have difficulty comprehending proceedings or where the student (and the parents/ caregivers) may have difficulty with the English language, or where the student lacks confidence or maturity.

Under the United Nations *Convention on the Rights of the Child*, students have the right to an advocate of their choice. Given the responsibilities of the advocate, people with a breadth of life experience in social institutions are most suited to this role. It is recommended then, that where an advocate is warranted, students are counselled to choose an adult, most suitably their parent/carer.

Additional desirable pre-requisites to effective advocacy include:

- an appropriate degree of independence from the school. In many school situations this may not be possible. However, the student can be assisted by the school/student counsellor, school chaplain, or a teacher who has not been party to the suspected incident.
- the adoption of a style of advocacy that is oriented toward the continuing welfare of the student
- confidence, sincerity, clarity of thought and speech.

## Preparing advocates

*If skilled advocates independent of an incident are to be available to students they will need to be identified and briefed in the advocate role.*

## Student support person

The student support person's role will be to help the student work through their current problems and assist them in gaining skills to cope in the future. This is therefore a counselling role to facilitate change in the student's behaviour. Planning strategies in advance of suspected drug-related incidents, such as taking a team approach, can strengthen the prevention and intervention strategies, as well as create a supportive and sharing environment.

## Incident checklist and documentation

The following documents support schools in their incident management and can be adapted to suit local circumstances. The documents include an informal checklist to ensure all steps are taken in incident management and more formal pro formas on which to record proceedings.

- The **incident management checklist** is an informal document which can assist schools in ensuring that all steps are taken following the principles of student welfare, natural justice, duty of care and mandated action. The steps outlined follow all procedures prior to a student interview through to follow-up action after the student interview. This form should be completed by the principal or their delegate.

The following pro formas are more formal and can serve to protect school personnel from misrepresentation by addressing legal, professional and administrative accountability.

- The **initial incident record** offers schools the opportunity to describe in detail the initial incident prior to handover to the principal or their delegate. This form should be completed by the intervening teacher.

## Appendix A: Incident management roles and documentation

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- The **student interview record** will provide schools with a detailed record of any interview conducted with a student involved in a suspected drug-related incident. Schools should complete one student interview record for each student involved in the incident.

Schools should retain all incident management records in their files.

# Appendix A: Incident management roles and documentation

## Incident management checklist—suspected drug-related incident

The following checklist is designed as a quick reference tool for principal and/or delegate's own use if they choose to.

	Check box
Has First Aid/ Emergency Care been attended to?	<input type="checkbox"/>
Are the basic facts to ensure safety of student/s known?	<input type="checkbox"/>
Has the safety and welfare of all students involved been attended to? (Are there other students who have taken the substance?)	<input type="checkbox"/>
If appropriate has the student/s been escorted to a safe, confidential place where the state of health can be closely observed? (Health and wellbeing issues paramount)	<input type="checkbox"/>
Is the student assessed as 'well' to continue the interview?	<input type="checkbox"/>
Is there a presumption of innocence until proven otherwise?	<input type="checkbox"/>
Is there any evidence? If yes, has the evidence (drugs/drug paraphernalia) been secured? Witnessed by _____	<input type="checkbox"/> Yes <input type="checkbox"/> No
Has the student/s been informed as to <ul style="list-style-type: none"> <li>• steps of process that will now occur</li> <li>• right to representation by advocate of choice</li> <li>• right to be heard, including the right to remain silent</li> <li>• right to question evidence</li> <li>• right to hear what is alleged and to know reasons for determinations?</li> </ul>	<input type="checkbox"/>
Have you discussed informing the parents/caregivers with the student and ascertained any issues of concern with engaging parents/caregivers?	<input type="checkbox"/>
Have parents/caregivers been informed if sanctioned by student? If parents unavailable to attend school, have they offered another time? If yes, when _____	<input type="checkbox"/> Yes <input type="checkbox"/> No
Are there any considerations as a result of contact with parents/caregivers? _____ _____	<input type="checkbox"/> Yes <input type="checkbox"/> No
In the case of a more serious incident, and especially if police are required, has the student or parent/caregiver requested a legal advocate (eg solicitor) to be present?	<input type="checkbox"/> Yes <input type="checkbox"/> No
Has the student been offered the right to have a procedural observer present of their choice?	<input type="checkbox"/>
Has the student admitted to using, possessing or distributing the drug?	<input type="checkbox"/> Yes <input type="checkbox"/> No

# Appendix A: Incident management roles and documentation



<p>Do you know what the substance is?</p> <p><b>If yes, is it</b></p> <p>Legal but unsanctioned (tobacco, alcohol) <input type="checkbox"/></p> <p>Legal to possess, but illegal to supply (eg supplying prescription medicine to others) —do you need to call police as collaborative partners or to clarify legality issues? <input type="checkbox"/></p> <p>Illicit—call police and suspend further school investigations <input type="checkbox"/></p>	<p><b>If No, do you need to:</b></p> <p>Call police for search of student or school property? <input type="checkbox"/></p> <p>Call police for identification of substance?</p>	<p><input type="checkbox"/>Yes <input type="checkbox"/>No</p>
<p>If a critical incident, has the district director's office been informed?</p>		<p><input type="checkbox"/></p>
<p>Does your Interagency Student Behaviour Management (ISBM) coordinator need to be involved? (intent to exclude, developing an alternative program, early intervention strategy)</p>		<p><input type="checkbox"/></p>
<p>Continue with interview, using <b>Student interview record—Suspected drug-related incident</b></p>		

<p><b>Follow-up record</b></p> <p>To be completed by principal/delegate or procedural observer following student interview and all police investigations</p>	
<p>If there has been police involvement, will the student be involved in any police/justice program? (Police Drug Diversion Initiative)</p> <p>If yes, detail _____</p> <p>_____</p>	<p><input type="checkbox"/>Yes <input type="checkbox"/>No</p>
<p>Has there been a decision on disciplining student behaviour?</p> <p>If yes, has the student been advised of the decision and any appeal process to which they are entitled?</p>	<p><input type="checkbox"/>Yes <input type="checkbox"/>No</p> <p><input type="checkbox"/>Yes <input type="checkbox"/>No</p>
<p>Is there a necessity to contact other agencies to support student and family?</p> <p>Have these been agreed to by the student and (if under 18) the family?</p> <p>If yes, which ones _____</p> <p>_____</p>	<p><input type="checkbox"/>Yes <input type="checkbox"/>No</p> <p><input type="checkbox"/>Yes <input type="checkbox"/>No</p>
<p>Have the appropriate staff been informed of the determination whilst affording the student the right to (qualified) privacy?</p>	<p><input type="checkbox"/>Yes <input type="checkbox"/>No</p>
<p>Has the school discussed reviewing the drug policy/behaviour code and the Whole School Drug Policy?</p>	<p><input type="checkbox"/>Yes <input type="checkbox"/>No</p>

# Appendix A: Incident management roles and documentation

## Initial incident record—suspected drug-related incident

To be completed by the intervening teacher

Intervening teacher: \_\_\_\_\_ Position: \_\_\_\_\_

School: \_\_\_\_\_ Today's date: / / Time now: \_\_\_\_\_

Record completed by (if other than intervening teacher): \_\_\_\_\_

### Details of incident

*(Attach further sheets if there is not enough room for details on this pro forma)*

Location of incident? \_\_\_\_\_

Date of incident? \_\_\_\_\_ Time of incident? \_\_\_\_\_

Who was present at the scene? \_\_\_\_\_

What was observed? \_\_\_\_\_

What was said? \_\_\_\_\_

Did you confiscate any drug or drug paraphernalia? Yes / No If yes, please detail: \_\_\_\_\_

Did you request staff backup? Yes / No If yes, who else attended: \_\_\_\_\_

### Health of student/s (observed behaviour, student disclosures):

What was the health status of the students at the time of your intervention? \_\_\_\_\_

What was the health status of the students at the time of your hand over to principal/delegate? \_\_\_\_\_

Did you need to take any immediate actions, such as first aid, medical support? Yes / No  
(If yes, please detail) \_\_\_\_\_

### Handover to principal/delegate

To whom did you hand over responsibility? \_\_\_\_\_

\_\_\_\_\_ What time was the hand over? \_\_\_\_\_

Did you hand over and witness securing of any drugs or drug paraphernalia? Yes / No

Signed \_\_\_\_\_ Date / /

# Appendix A: Incident management roles and documentation



## Student interview record—suspected drug-related incident

### To be completed by principal/delegate or procedural observer

If more than one student involved in incident, a student interview record should be completed for each student. *(Attach further sheets if there is not enough room for details on this pro forma.)*

Is this the first interview with this student for this incident? Yes / No

If no, when was the previous interview? \_\_\_\_\_

Interview conducted by: \_\_\_\_\_ Position: \_\_\_\_\_

Date of interview:    /    /                      Time: \_\_\_\_\_ Place: \_\_\_\_\_

Student's name: \_\_\_\_\_ Age at the time of incident: \_\_\_\_\_

Parent/caregiver's or advocate's name: \_\_\_\_\_

Has the student agreed to parent/caregiver/advocate involvement? Yes / No

Other participants in interview: \_\_\_\_\_

Has the student been informed of process to be followed: Yes / No

What are the allegations made against the student:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Has the student been informed of these allegations: Yes / No

If no, detail why: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

Student's response to the allegations: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

Is there any drug or drug-related paraphernalia involved? Yes / No

If yes, please detail type and quantity and brief description: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

Details of discussions: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Was the student/their advocate advised of their right to appeal against the process? Yes / No

Did they make an appeal? Yes / No

*Please see next page for continuation of this form*

# Appendix A: Incident management roles and documentation

<b>Student interview record (continued)</b>
Have the police been contacted for advice? Yes / Not applicable If yes, what is their advice? _____ _____ _____
What was the name of the police officer with whom you spoke? Log number of phone call _____
Will the police be proceeding with investigations? Yes / No <b>School investigations must be put on hold pending any police investigation.</b> If police called, interview recommenced on (date):    /    /    time: _____
If participants or circumstances are different from initial interview, what has changed? _____ _____
What decisions have been made by the school concerning the student's behaviour? (educative, punitive, deterrent) _____ _____
Has the student been given a <b>fair hearing</b> ? (eg the student has been afforded the opportunity to tell their whole story prior to a determination) Yes / No Has the student (and parents/caregivers) been informed of their obligation and the school's obligations to the family in relation to the SEE procedures? Yes / No (This includes being advised of the appeal process and being given the appropriate appeal pro forma in the case of exclusion or expulsion—refer to School Discipline Policy Implementation Kit, Appendix 19 Section 2). Was the student suspended? Yes / No If yes, is a student development plan being initiated in conjunction with parents/caregivers? Yes / No Parents/caregivers' comments: <i>(Parents/caregivers may wish to include whether they thought the process and final determination followed fair process.)</i> _____ _____ _____
Student's comments (optional): _____ _____ _____
Interview ended at (time): _____ Signed: _____ (Principal/delegate)



## Appendix B: Scenarios



The following scenarios demonstrate that drug-related incidents pose a number of complexities, which therefore negate the idea of having simple and clearly defined responses.

As the scenarios highlight, schools with a holistic approach to drug education, and who have already constructed and implemented a Whole School Drug Strategy, are far better placed to deal with the complexities of drug-related incidents. Furthermore, schools who continue to review their policies and procedures following any drug-related incident will be better informed when any further need arises.

These scenarios are based on real life incidents and have been chosen to highlight the complexities that may be operating when a drug-related incident occurs. They are meant to reflect sound practice and are necessarily brief. They are consistent with the 'Guiding principles for responding to illicit and other unsanctioned drug use within Australian schools' as detailed in *National framework for protocols for managing the possession, use and/or distribution of illicit and other unsanctioned drugs in schools* (DETYA, 2000).

## Appendix B: Scenarios

### Scenario 1: 'Buying off bullies'

A year 9 student had been prescribed dexamphetamine for attention deficit hyperactivity disorder (ADHD).

While investigating a bullying-related incident, it had come to the attention of the deputy principal that the student in question had been bullied to hand over some of her medication. Investigations revealed that the girl had brought tablets from home and attempted to appease the bully by supplying him with what he demanded.

As a part of the student's health support plan, the school stores and administers the medication from the front office. The health support plan is based on the medication plan from the prescribing medical practitioner.

The deputy principal was aware that the supply of prescription medication to persons other than the intended was an offence.

The school applied natural justice principles by ensuring all students involved had the opportunity to tell their side of the incident. The right to privacy, as a principle of natural justice, was honoured by provision of an appropriately private area in the fact gathering phase. In addition, the particular health related circumstances were treated in a confidential manner which is in accord with principles of natural justice.

The school had developed partnerships with local police and their Drug Action Team Coordinator was consulted about this particular incident. The penalty for supplying a prescription drug to another person was a fine of up to \$10,000 and/or 2 years imprisonment. This was a serious matter complicated by the stand-over tactics.

Police separately interviewed both students with parents/ caregivers. The carers of one of the students involved in bullying were resistant and resentful of the implication that their son was bullying. School personnel were clear about stating their position that bullying is not acceptable behaviour. No charges were laid but the student who illegally demanded prescription medication was diverted to assessment and counselling through the Police Drug Diversion Initiative.

It was clear that the girl had been victimised in this situation, and after engaging with the girl's parents, it was agreed that she would participate in a series of assertiveness training sessions that had been arranged with the local community youth worker.

The boy who was bullying was given a copy of the Notice of Intention to Exclude which was also sent by registered mail to the parent/caregiver. The student agreed to participate in an anti-bullying focused small group that was run by the school counsellor and was not excluded.

#### Incident

#### Previously established policies

#### Initial assessment

#### Principal/delegate interview

Principles of natural justice—the right to be heard and the right to privacy

#### Utilising police as 'collaborative partners'

#### Police interview

Supported by school discipline policy and Police Drug Diversion Initiative

#### Student development planning

Assertiveness training recommended

#### Disciplinary response and student development planning

SEE procedures and anti-bullying program



The school identified the need for a more proactive approach to address general problems of bullying and harassment. A plan was devised to raise staff, student and parent awareness. This included surveying staff, parents and students and undertaking training and development with all groups.

The school's medication management procedures were reviewed to ensure safe transport (including maximum amounts) of medication between home and school.

### Scenario 2: 'Money to be made'

Some year 5 students had approached one of their teachers in the yard and said that one of their classmates was bragging that they had purchased some 'speed' from one of the year 7 students.

The teacher sought out the alleged purchaser, spoke to her privately about the information that had come to hand, and subsequently asked the girl to accompany her to the administration area.

The student was seated in the foyer area in view of the school support staff. The teacher gave brief instructions to the support staff and asked them to closely supervise the student while the principal was contacted.

After a short briefing, during which time the bell rang for the end of lunchtime, the teacher returned to the classroom. The principal asked a year 4 teacher who was programmed for NIT (non-instruction time) and who had taught the girl the previous year, if he would sit in on an interview with the student. The principal's thinking was that inclusion of a procedural observer would uphold procedural fairness by having another person monitor due process.

The principal was in her second year at the school and had not been aware of any behaviour issues associated with the student, although the girl's older sister, in the principal's year 6/7 science class, had said that the family had recently moved to a different house several blocks from their original house.

The year 4 teacher had a positive relationship with the girl. The principal was keen to ensure that the student had some support during her fact finding interview.

During the course of the interview the student admitted purchasing \$2 worth of 'speed' from a senior student. When asked what she intended doing with the 'speed' the student was unsure but she said that she probably wouldn't eat it because she thought that it would make her do strange things. The student explained that

#### Review of whole school procedures

#### Incident

#### Initial procedures

Natural justice—student cooperation and presumption of innocence

#### Student waits in private area under adult supervision

#### Handing over responsibility to principal

Appointment of procedural observer (supports natural justice and OHS&W)

#### Incident interview

Interview with principal, student and procedural observer

## Appendix B: Scenarios

some older students were selling the 'speed' and she was able to identify from whom she had made the purchase. The style of the interview adopted, facilitated free information flow. The student, principal and teacher moved to the teaching area to get the bag of 'speed' which the girl produced from her school bag. Shortly afterwards the girl returned to class.

The teacher collected the alleged seller and escorted him to the administration area where he was challenged with the facts that had been gathered. The girl's identity was not disclosed.

The serious nature of the allegation was conveyed to the student who admitted that he and some mates had bagged up some sodium bicarbonate from the pantry at home. They had the idea of making some pocket money by selling it to other students at the school. They believed that the powder would do no harm.

Police analysis of the 'drug' confirmed that it was bicarbonate of soda.

The staff involved agreed that there was a degree of innocence and naivety; nonetheless, for the year 7 students involved, there were important issues.

The principal spoke with the police Drug Action Team Coordinator who had worked with teachers to jointly deliver some programs during the previous year and sought her legal advice. The police officer referred to an analogy of a bank robber who used a replica gun to hold up a bank. Police, principal and parents/caregivers met with the year 7 students. The school chaplain was asked to observe the process, utilising the natural justice principles of having an unbiased mediator observe the process and offer support for all involved.

The year 7 students were suspended for up to 5 days with intention to exclude. At the pre-exclusion conference it was decided that the student/s were to be suspended only. A Student Development Plan was created in line with the SEE procedures.

A conference was arranged with the girl's mother and staff members were alerted to her unsettled behaviour since shifting house. This perception was discussed with the mother who said that she had been aware that the girl was more withdrawn since shifting. Strategies for increasing connectedness both at home and at school were discussed, including the development of links with the school chaplain.

### **2nd incident interview**

Student has the right to know the allegation (natural justice principal)

### **Drug analysis conducted by police**

#### **Assessment**

No illicit drug involved but follow-up required (student welfare)

#### **Follow up procedures**

Using Whole School Drug Strategy, emphasis placed on prevention through education and information

#### **Disciplinary response**

Action determined for inappropriate behaviour—following SEE procedures

#### **Student welfare response**

Partnership and support strategies implemented



The principal and chaplain met with the girl to talk about the incident. During the course of the conversation the girl told the chaplain that she had bought the 'speed' because she had no friends and this would help her become popular. The chaplain asked if she could help her and elicited the reasons for her feeling that no-one liked her. A range of strategies were developed by the principal and chaplain in consultation with the girl and the class teacher. These included cooperative learning strategies, cohesion building games in the classroom, lunchtime activities, and sessions with the chaplain to monitor the situation.

### Scenario 3: 'You appear unwell today'

For a period of time a senior secondary student, beyond the age of compulsory attendance at school, had been looking particularly seedy in the mornings, most noticeably on Mondays. His care group teacher, who had known the student over a three year period, was of the view that he was not coping at school and seemed to lack interest and motivation.

The teacher had a conversation with the student welfare team and highlighted his observations. It was agreed that in the first instance the care group teacher would spend some time with the student, express the concerns that he had, and suggest that the student talk with someone of his own choosing.

This initial strategy of opening up communication with the student was enacted and, in brief, the student denied anything untoward.

At a year level meeting, this student was identified as needing monitoring and concerns for his wellbeing were expressed and shared by some of his teachers. One teacher had queried whether what was being observed was symptomatic of a medical condition. It was decided to formalise data gathering and teachers were asked to provide, by the end of each day, a brief comment about attendance, engagement and productivity during lessons. Essentially the data confirmed the care group teacher's observations.

Suspected possession and selling of drugs are, in many ways, easier to respond to than suspected drug use, because signs and symptoms of drug use may also be signs and symptoms of a range of other conditions or issues.

The basis of asking a student to leave school because they appear unwell is well founded from a first aid and duty of care perspective. School personnel are also utilising the natural justice principle of the presumption of innocence until there is evidence of wrong doing. Although the student was 16 and had reached the age of medical consent, school policy directed that if a student is unwell, parents/caregivers/emergency contacts need to be notified.

#### Incident

**Seeking cooperation of other staff—  
determining further action**

**Seeking cooperation of student**

**Assessment**

**No substance or confession of drug use—  
unusual behaviour suggests drug use**

**Implementing first aid, duty of care and natural justice principles**

## Appendix B: Scenarios

After gathering data for a week, it was decided that on the next occasion of 'appearance of unwell' parents would be contacted to make arrangements for the student to return home and return to school when feeling better.

Monday morning of the following week the student arrived at school looking especially worse for wear. The care group teacher commented that he looked particularly unwell and needed to return home. The year level coordinator was free at the time and she contacted his mother who gave permission for the student to make his own way home.

The student became very angry and abusive about being treated as unwell, protesting about his carers being contacted. School personnel remained clear about their need to follow procedures.

Over the phone the teacher was able to share observations and concerns and, in particular, the data gathered during the previous week. The mother was asked if behavioural changes were evident at home and, during the conversation, it was revealed that the parents had discussed their son's use of alcohol. She said that, given the long hours worked by both parents, it was possible that alcohol access and use could be a contributing factor.

The care group teacher referred the parent to a member of the school's student welfare team who was able to recommend community-based assistance for the family. The student returned to productive engagement at school with a couple of relapses that resulted in him returning home on the basis of appearing unwell. For a short time the family engaged in some supported counselling to address a range of issues.

Over a period of time, a number of students at the school have been identified as being unwell. In a few cases there was anecdotal evidence to suggest that there may have been drug use connected to the apparent unwellness. School personnel responded to all incidents utilising the principle of the presumption of innocence (natural justice) in these cases. They did not make accusations of a drug connection without evidence and responded to all cases treating the student/s as unwell.

**Treat as unwell**

**Contact caregivers**

**Seeking cooperation of parent**

**Duty of care responses**

**Ongoing procedures**



### Scenario 4: 'Joint decision making'

At recess time in a large metropolitan high school, some year 9 students were observed huddled in a small group on an oval. The yard duty teacher noticed smoke coming from the group. As the teacher approached the group, they started giggling. The smell of smoke was not the smell usually associated with tobacco.

The teacher recognised the eight students and assessed that she had a good working relationship with most of them. The teacher recalled concerns being shared at a year level meeting about some of these students' behaviours in class. Using a mobile phone, the teacher requested back-up support from the administration area and proceeded to the group.

By the time the duty teacher had arrived, students had extinguished the source of the smoke. The teacher said 'I came over when I noticed smoke coming from this group'. After some initial denial, a student confessed to having smoked a cigarette. In response to questions to establish facts, the students said that they had extinguished the smoke and flicked the butt away as the teacher walked towards the group.

In line with school policy the students were asked to move to the administration area since smoking was clearly against school rules.

As the students stood up and moved as directed, it was evident that one student was attempting to conceal the remains of a partly used cigarette. The teacher challenged the student and collected the cigarette that appeared to be a cannabis joint.

Using the mobile phone to contact the office, the teacher gave brief details, including who was involved and indicated that the students would be escorted to the administration area. Two support teachers arrived as the students were moving off. The students were closely observed and the yard duty teacher asked the students if they were feeling well.

At the administration area the students were separately seated in the foyer area where a staff member supervised. The students were asked to indicate if they were feeling unwell.

The duty teacher met with the deputy principal and outlined the circumstances that had unfolded.

#### Incident

#### Staff support requested

OHS&W obligations to keep staff and students safe

#### Informing students and seeking their cooperation

#### Natural justice

Assumption of innocence; procedure follows school anti-smoking policy

#### Collecting evidence

#### Noting incident details

for incident report

#### Duty of care

Assessing first aid requirements

#### Natural justice principles

Right to privacy

#### Duty of care

#### Handover to principal delegate

## Appendix B: Scenarios

The evidence (suspected cannabis joint) was sealed in an envelope, which had details noted and signed by the deputy principal, and then locked in a secure place in the office. The duty teacher witnessed the joint being placed in the envelope and counter-signed the envelope. The deputy principal asked the teacher to complete a critical incident form as soon as was practicable and certainly by the end of that day.

The deputy principal agreed that there was a strong suspicion that the 'cigarette' was in fact cannabis and since that is an illegal substance, the police would have to be involved.

The police were contacted and indicated that they would be at the school within an hour. Parents were notified of the incident and that the police had also been contacted. The police interviewed the principal and the intervening teacher. Arrangements were made to conduct interviews between police and students at their homes in the presence of their parents. In order to accommodate a parent, the school negotiated with police to conduct one of the interviews on the following day.

The deputy principal said that she had reasonable grounds to believe that the student had been an active participant in cannabis smoking. Two other students said that they did not use cannabis and explained that they had joined the group just prior to the yard duty teacher arriving. Information gathered during interviews corroborated their version of events. They were cautioned and advised that their association with others using cannabis would be taken into consideration should there be a subsequent incident. Each of the parents/caregivers, as well as the school, was notified independently by police of the outcomes.

All the other students were diverted to assessment and counselling through the Police Drug Diversion Initiative.

The school had devised standard letters used to formally notify involved students, parents/caregivers and staff. The letters included a brief statement about the school's view of use, possession and distribution of alcohol, tobacco and other drugs. It highlighted the exception of medication in line with the school's Medication Management policy. The person managing the incident was identified, as was the person providing support for families and school personnel involved. Reference was also made to the school's drug policy and procedures.

### **Legal obligations**

Securing of evidence and request for incident record

### **Initial assessment — school investigations suspended pending police investigation**

**Police investigation Parents/caregivers notified**

### **Police investigation Natural justice**

Right to be heard and to question the evidence

### **Police determination and consequences**

Police Drug Diversion Initiative

## Appendix B: Scenarios



A private space was made available for all school interviews and parents/caregivers were also invited to attend all incident management meetings. The deputy principal individually interviewed the students, with a member of the student welfare team present to ensure due process. Steps were taken to ensure same sex representation. Not all students admitted to having used cannabis at school, including the individual who had attempted to conceal the joint. However, the deputy principal said that she had reasonable grounds to believe that the student had been an active participant in cannabis smoking and that she was considering suspension.

The principal signed paperwork suspending each student for two days. All students had previously been involved in a variety of behaviour management issues, but never suspended or excluded. A Student Development Plan with a re-entry process was created, which included an undertaking to meet with a school counsellor and attend weekly sessions for the first month of return to school.

The educational literature from the police provided a basis for some of the issues to be discussed. During initial fact finding discussions, it was clear that the students falsely believed that they hadn't broken the law given the small quantity of cannabis involved. However, they were clear that the use of tobacco or cannabis at school was against the school behaviour code.

A statement to staff (notifying suspension, but without public detail) was posted on the behaviour management notice board. The school's contact person who had knowledge of this incident was also identified. It was school policy to keep the details of suspension and exclusion confidential.

A subsequent review of the incident, together with observations of students being at risk of being struck by footballs, led to the oval becoming an area designated for physical activity only.

### **School response**

#### **Natural justice principles**

Procedural observer  
Right to privacy

### **School decision making around consequences of behaviour—SEE principles and student development plans**

### **Student welfare**

### **Debriefing staff**

#### **Natural justice principles**

Right to confidentiality

### **Review of incident management process**

## Appendix B: Scenarios

### Scenario 5: 'Show and tell'

A year 7 student had been behaving unusually during the previous few months. He had been absent from school a number of times and was discovered truanting on the two most recent occasions. He had spent the day in a large regional shopping centre with some other boys from a neighbouring high school. These older boys had also been noticed waiting about outside the school at the end of the day.

The school followed up on the student's absences on each occasion, and the principal became involved when it was established that he had been truanting. The principal's concern was increased when the connection between the student and the group of older boys was discovered. The principal had been monitoring their behaviour to assess their effects on his students and to date there had been no additional negative link.

The principal had a good relationship with the student's parents who were very concerned about his truancy. Following the last instance of truancy, the parents had agreed with the principal that they would be particularly vigilant in monitoring their son's attendance at school.

After having fully dealt with the truancy, the principal was approached several days later by another year 7 student wanting to confidentially pass on information.

The principal made clear that confidentiality could not be guaranteed if failing to act on information was likely to result in harm to others but that he would certainly ensure privacy for their discussion. In these discussions it was alleged that the student who had been truanting had recently brought cannabis to school and shown it around.

The principal contacted police who advised there was insufficient evidence for them to take action. The principal decided to proceed with the investigation by raising the allegation with the student.

He also immediately contacted the boy's parents to advise them of the information he had been given and to arrange an interview with them and their son. At the interview he communicated the information in general terms as unsubstantiated but of concern given the boy's other 'at risk' behaviour. The student denied that he had brought cannabis to school. The principal accepted this, but indicated his intention to follow-up to support the boy and to keep all students safe.

The principal confidentially advised the student's class teacher about the allegation and they agreed to closely monitor his behaviour and that of the whole class in relation to drugs.

The principal also told the older boys that they were not to wait about outside the primary school at the end of the day.

**Incident—non-drug-related**

**Monitoring the situation**

**Contacting parents/caregivers**

**Confidential disclosure**

**Explanation of mandatory reporting**  
Disclosure of drug use

**Police as collaborative partners**

**Communicating with parents/caregivers**  
**Natural justice**  
The right to know what is alleged, the right to be heard and to question evidence

**Communicating with staff**



At a later appropriate time, the principal advised staff about the possibility of cannabis being brought into the school and revisited with them school policy and procedures in the matter. The school behaviour code had been developed with broad consultation in the previous year and included drug issues specifically. Through the school newsletter and class meetings, he ensured that all students and parents were reminded of the school's policy and procedures in relation to behaviour.

For the longer term, staff began to review their drug education curriculum and plan for improvements.

This scenario demonstrates how establishing relationships early between principal/teachers and students and their parents/ caregivers can minimise the harm to the student without having to sensationalise any of the actions taken.

### Scenario 6: 'A community approach'

The principal noticed that, after school, a small group of youths had gathered on the perimeter of the grounds of the primary school. There was ample shade and the lawn was well maintained. Some members of the group were recognised as former students of the school who now attended a high school nearby.

A few days later a staff member had alerted the principal to a paint stained plastic bag that had been found under bushes at the edge of the oval. Together they considered the possibility that the bag may indicate that 'chroming', or inhaling chrome-based paint, was taking place.

After school that day the principal noticed that the group had once again gathered and that some of the primary students had joined them. In a non-threatening manner the principal approached the group and spoke with the young people. Nothing appeared untoward although the fashionable baggy sleeved clothing that was worn could well have concealed volatile substances.

Primary school students having connections with the group raised some concerns and a staff group decided to gather information. They found that volatile substance use had been an issue in the local community in the past. A counsellor at the local high school, who had forged positive links around years 7 to 8 transition, was able to say that a student being counselled for poor achievement had spray paint stains on his sleeve. A concerned parent had spoken with the principal after noticing some 'sniffing' paraphernalia and behaviours amongst the group while collecting her daughter after school.

**Review of policies and procedures and their wider distribution to all stakeholders**

**Review of whole school drug strategy**

**Incident/concern**

**Seeking cooperation with students**  
(although no allegations made or suspicions voiced)

**Gathering voiced concerns**

## Appendix B: Scenarios

It was decided to form a working party of key stakeholders to address the emerging issue of inhalant use. The primary school hosted the gathering and plans were developed to implement a range of strategies within a harm minimisation framework. The group had representation from police, the youth sector, cultural groups, education, parent groups, local government, community health, and drug and alcohol services. The large group divided to form two smaller groups. One focused on prevention and the other on intervention. A community-based team that specialised in working with 'at risk' young people took prime responsibility for intervention with the young people.

Police pointed out that while it was not illegal to use volatile substances, it was illegal to sell or supply them for the purpose of inhaling. The local suppliers of spray paint were visited and their support was enlisted to make adjustments to their displays to reduce accessibility for young people.

The school explained that best practice was not to include inhalants in drug education lessons (because of ease of access to a range of volatile substances). Instead the topic could be included in the occupational health and safety curriculum, where the focus is on the need for well-ventilated space due to dangerous or unhealthy substances.

Supported by a Drug Strategy Project Officer, the school held a Drug Summit to engage with and inform parents of the range of initiatives that the school was considering. This summit was not specifically focusing on inhalants, but was more generally about the Whole School Drug Strategy.

Within the school an audit of the risk and protective factors associated with student resilience was undertaken and some innovative programs were planned, implemented and evaluated. The school's drug education curriculum was mapped and reviewed as part of their Whole School Drug Strategy. Changes were made to improve content and delivery of curriculum in line with best practice suggestions from Drug Strategy Project Officers.

**Taking a harm minimisation approach within a whole-community strategy**

**Working towards prevention**

**Determining educative (curriculum) approaches**

**Keeping the community informed**

**Planning and review of integrated drug strategy program within the school**



## Appendix C: Legal obligations



A number of legal obligations dictate the management of suspected drug-related incidents.

When a suspected drug-related incident is initially witnessed by school personnel, a combination of existing policies/regulations will shape how they manage any intervention. These policies and regulations include duty of care, mandatory reporting and OHS&W. The immediate obligation of school personnel will be to intervene and ensure the health and welfare of all students and staff. This must begin at the site of the incident and continue to handover, when the principal or school delegate assumes authority. Mandatory reporting also legally requires school personnel to report instances of suspected child abuse and neglect, including drug-related activities.

For the following incidents, both the police and the student's parents/caregivers must be called to contribute to the management of the incident:

- when an incident is suspected to involve illicit drugs
- when an incident involves suspected illegal activities, such as the distribution of an unsanctioned drug or illegally possessing or using prescription drugs
- when an incident is suspected to involve third parties (eg members of the public).

When a school incident is suspected to involve illicit drugs or illegal activities, there is a clear demarcation line between the authority or jurisdiction of the school, and the authority or jurisdiction of the police. The police deal with suspected illegal drug incidents; the school does not. The school deals with the welfare, learning and behaviour of students.

It is only the police who have the jurisdiction to confirm whether school incidents involve illicit drugs or illegal activities. Schools and principals have no legal authority to pursue an investigation beyond the point where they suspect an illegal drug or activity is involved. To do so could both jeopardise police work and result in a civil action.

Once the principal has contacted parents or caregivers to inform them that their child is suspected of being associated with illicit drugs or illegal activity, it is the police who then ensure a student's legal rights are understood by the student and their caregivers. This includes the right to refrain from answering questions, other than those required by law, and the right to legal representation. It is also the police who determine at this point if a search of personal or school property is necessary, and it is they who will seek the cooperation of the student, the student's parents/caregivers, and the principal where school property is involved.

Principals, or designated staff, only have the right to search student bags and lockers if:

- they are searching for stolen school property
- they are absolutely certain that not doing so puts other students at grave risk or possibly at serious physical or psychological risk.

## Appendix C: Legal obligations

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Legal opinion advises caution if principals involve themselves in a search. A police officer is the safest person to search bags or lockers. Under no circumstances can school staff conduct a search of the clothing a student is wearing.

If police have a warrant for a search, a school must cooperate, as it is illegal to hinder police in their enquires.

Whenever it is necessary for a police officer to interview a child, such interview should, if practicable, be conducted at the home of the child in preference to interviewing the child at school. The *Summary Offences Act* prescribes that police may not interview a child without a responsible adult present to represent the child. Police can interview young people at home in the presence of a responsible adult who can be a:

- parent/guardian
- friend
- relative
- solicitor.

If it is necessary through urgency or some other good reason to interview a child at school, police and the principal must make a reasonable effort to contact the parent/caregiver before conducting the interview. If efforts to do this fail, the principal must ensure that the parent/caregiver is informed as soon as possible after the interview has occurred. Such interviews must then take place in the presence of the principal or other senior teacher.

The interview should be delayed if the parent/caregiver can attend within a reasonable time (eg 30 minutes). However, in this instance the student should be informed of the reason for the delay and they should be assured that they are not in custody.

Interviews should be conducted in a private room.

Depending on the determination of a police investigation, such as a determination that there is sufficient evidence to allege that an illegal act has taken place, the police then deal with the student. After judging the severity of the act, the police may talk to the student and parents/caregivers and:

- determine that the student attend a Police Drug Diversion Initiative
- formally caution the student about the illegality of the incident and arrange for a family conference
- decide to prosecute in a court of law.

The legal status of drugs is further clarified in Appendix F.



## Appendix D: Principles of natural justice



*'Procedural fairness should not be viewed as an inconvenient millstone about the necks of busy decision makers. Conflict in schools, as in any environment, is time consuming, morale sapping, and downright inefficient. Procedural fairness is about getting it right the first time, and is one way to minimise conflict.'* (National Children's and Youth Law Centre, 1999, p.13)

### Setting the tone and form of intervention procedures in drug-related incidents

The resolution of suspected drug-related incidents in schools is established, in the main, in the formal investigative interview. This interview is conducted with the student by the principal/delegate and can include a range of additional people, for example, parents/caregivers, a procedural observer, and, at times, a student advocate and the police. The potential weight of adult authority in these situations is indisputable. The tone and form of the interview will be influenced by the educational philosophy of school personnel, their ethics and existing policy.

Participants might question their own beliefs around:

- who schooling is for and how this might influence their management of suspected drug-related incidents, regardless of the student involved
- the purpose of schooling, whether it is weighted toward an educative rather than a punitive function, and how this might influence the teacher–student relationship
- the place of human rights and natural justice within the management of suspected drug-related incidents in schools
- the range of other policies and obligations, such as legal obligations, the School Discipline Policy and the Administrative Instructions and Guidelines which relate to searching a student's property.

In addition, there are more broadly based influences on the tone and detail of intervention procedures, such as:

- the pervasive call of a liberal democracy and how it implies respect for social freedoms and relationships
- the United Nations' *Convention on the Rights of the Child*, to which Australia is a signatory, which stresses the need to ensure the full range of human rights are enjoyed by children. Children's rights are basic human rights
- the precedents of common law, which continue to establish the rules of justice in matters carrying serious consequences for any individual's livelihood, for example, the educational consequences for a student when they are excluded for a substantial period of time from school.

## Appendix D: Principles of natural justice

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It is the outcome of these influences that has seen the gradual development of the principles of natural justice for setting the tone and form of intervention procedures which carry social and educational consequences for individuals. The principles of natural justice have been developed in an effort to balance justice over the potential vagaries of arbitrary power. In practical terms they guard against arbitrary, capricious or pre-emptive judgments. As noted in the book *Natural justice: Principles and practical application*:

*'Where a decision is made which may reflect adversely on a person's reputation or which casts aspersions on his (sic) character, the rules of natural justice are of relevance.'* (Flick, 1984, p.30)

Adjudications on a student's suspected drug-related behaviour can, of course, carry significant consequences for their reputation and character and we are reminded that:

*'In its broadest terms, the issue of natural justice focuses on the moral basis of the law. It requires us to reflect on what we understand to be 'just action' with respect to all administrative decisions.'* (White, 1997, p.194)

The principles of natural justice, then, provide a moral and common law framework in the pursuit of fairness of processes and decisions that may affect the rights and interests of students. But, as noted above, the incorporation of natural justice principles that shape the investigation and adjudication of suspected drug-related behaviours, does not imply that such investigations and adjudications must be handled legalistically. The concern of schools is more pastoral than legal (Flick, 1984). But more than this, the level of application of these principles is a matter of professional judgment. As put by the National Children's and Youth Law Centre (1999):

*'Not all decisions made in schools may require strict compliance with the principles of natural justice. However, decisions which may have serious consequences for children, such as decisions to suspend or exclude a young person from school, require procedural fairness to be observed.'* (p.11)

'Decisions which may have serious consequences' are those which may:

- disrupt the continuity of schooling of a student; and/or
- stigmatise a student as unworthy; and/or
- result in permanent written entries in school records about student behaviour.



## When do principles of natural justice need to be utilised?

The degree of compliance with the principles of natural justice, then, will vary for different incidents.

Some of the principles will be evident, as a matter of common practice, in most incident management arrangements, regardless of the perceived seriousness of the consequences. Ensuring that there are no language and cultural misunderstandings is paramount. These are:

<p><b>The right of the student to be informed of the form of proceedings</b></p>	<p>Justice will begin to be served when a student understands the formalities of the incident management proceedings. This means the student is informed as to the form of proceedings by clarifying:</p> <ul style="list-style-type: none"> <li>• the purpose of the specially convened meeting</li> <li>• the relevance of the school's student welfare policy and student behaviour code</li> <li>• and the procedural implications of compliance with natural justice.</li> </ul>
<p><b>The right of the student to be represented by an advocate of choice</b></p>	<p>This natural justice principle will most commonly be met when the student's parent/caregiver is an invited participant in the proceedings. Compromising issues, like parent involvement in their child's drug-related behaviour, or parents with English language difficulties, may convince a principal to recommend a qualified school staff member who has not been a part of the incident. Accounting for gender, Aboriginality, ethnicity, maturity and special needs of a student may influence the recommendation of adult advocate. Ultimately it is the student's right to choose their advocate.</p>
<p><b>The right of the student to know what is alleged</b></p>	<p>Natural justice also means the student has the right to hear what is alleged and have access to all evidence prior to proceedings commencing.</p> <p>The student also has the right to know the reasons for the eventual determinations, whether disciplinary, educative or preventative, and whether these have been determined taking into account records of past behaviours.</p>
<p><b>The right of the student to be heard and to question evidence</b></p>	<p>This natural justice principle demands that:</p> <ul style="list-style-type: none"> <li>• the principal/delegate cannot exercise their discretion or discipline a student 'unheard': the opportunity for the student to provide their interpretation of events must be accommodated</li> <li>• the student must have sufficient time and opportunity to prepare and present their version of events either in person or by written submission (where circumstances suggest)</li> <li>• the student has the right to question the accuracy, relevance or completeness of evidence that has been presented by others</li> <li>• the student has the right to remain silent.</li> </ul>

## Appendix D: Principles of natural justice

<p><b>The right of the student to impartial adjudication</b></p>	<p>The concern here is with the possibility that a decision-maker may be biased against a student, most commonly where previous dealings with the student can be seen to potentially prejudice or prejudge proceedings. Given the nature of the relationships between teachers and students, this is a difficult principle to accommodate completely in any school setting. It may be effectively handled by:</p> <ul style="list-style-type: none"> <li>• conducting the proceedings as a partnership or conference between student, parent/carer and principal/delegate</li> <li>• conducting proceedings in a place that does not stand for administrative control (eg a conference room rather than the principal's office)</li> <li>• the inclusion of a procedural observer—an independent adult to monitor whether due process was adhered to</li> <li>• ensuring the accurate recording/documentation of all relevant evidence.</li> </ul>
<p><b>The qualified right to privacy for the student</b></p>	<p>Every endeavour should be made to keep the student's identity confidential with regard to other students or the school community. However, the student's parents/caregivers have the right to know about their child's behaviour. The school counsellor may need to know too. Complete privacy is neither possible nor desirable.</p>
<p><b>The right of the student to appeal</b></p>	<p>The right of appeal by a student/advocate can be based on objections about process (such as when they believe natural justice was applied inappropriately) and/or penalty (such as when they believe a period of exclusion is deemed too severe). Appeals may mean a follow-up conference between the principal, student and advocate or a second investigation headed by a new delegate.</p> <p>Where students are excluded or expelled, an explanation of the formal appeal process must be included as part of the exclusion or expulsion conference: students and parents/caregivers should be given the appropriate appeal pro forma at the end of the conference (see School Discipline Policy, Appendix 19 Section 2 Procedures for suspension, exclusion and expulsion).</p>
<p>In instances of potentially very serious incidents (carrying possible legal consequences for students), the following principle may also apply:</p>	
<p><b>The right of the student to legal representation</b></p>	<p>On the rare occasions where this principle will be enacted, such as where illicit drugs and/or violent circumstances are involved, the investigative proceedings must be handled by the police. The student and/or their parents/caregivers will decide if the representation of a solicitor is needed.</p>

## Appendix D: Principles of natural justice



In addition to the above, the common law principle of the presumption of innocence will play a part in all incident management processes. It is particularly pertinent:

- not to prejudge or change your suspicions to truths until sufficient facts have been obtained, or a student admits to using, possessing or distributing drugs
- to treat as unwell a student who appears to be groggy or disoriented. A teacher's first concern is the health of the student. Premature accusations of drug use may be totally incorrect and may put the teacher at risk of civil action.

In summary, where the educative mission of schools is pre-eminent, the procedures of incident management are designed to achieve something good for all students. The goal is to be procedurally fair, whilst in pursuit of desired outcomes, which adapt the educative, punitive and deterrence programs to individual incidents and participants.



## Appendix E: Frequently asked questions about drug-related incidents



Frequently asked questions are categorised as follows:

### Determining incident type

- 1 What are the indicators that a student is under the influence of drugs?
- 2 What drugs are illegal or illicit?
- 3 How and when do I get a substance tested?
- 4 What is the situation relating to drug testing students?
- 5 Is it illegal for students to possess drug paraphernalia, such as bongs etc?
- 6 How do I respond to student disclosures around drugs?

### Police involvement

- 7 When do I involve the police?
- 8 What can I expect of the police?
- 9 What happens in the case of police interviewing students?
- 10 What happens if the police do not respond?
- 11 When police are involved, how do I know whether the student has been charged?
- 12 What is the Police Drug Diversion Initiative?

### Process

- 13 Under what circumstances can school premises or student property be searched?
- 14 When do I inform parents/caregivers?
- 15 What do I do if a student discloses drug use at home?
- 16 What do I do if a student refuses to talk about their involvement in a suspected drug-related incident?
- 17 What is the role of the school/student counsellor in relation to drug-related incidents?

### School discipline

- 18 Should I suspend or exclude a student for involvement in illicit drug-related incidents?
- 19 Aren't we punishing a student twice if police charge the student and we exclude them as well?
- 20 Subsequent to a drug incident, can a school insist that a student participate in an intervention with the Drug and Alcohol Services Council (DASC) or have counselling before they re-enter school?



## School and student support

- 21 What support is available for students involved in drug-related incidents?
- 22 What can the Drug and Alcohol Services Council (DASC) do?
- 23 What do I do with sharps?
- 24 When would it be appropriate to offer a smoking cessation program?

### 1 What are the indicators that a student is under the influence of drugs?

Principals and teachers are not trained to diagnose substance use or abuse. If a student attends a class and is either unable to participate fully or puts the possibility of others to learn at risk, that student should be dealt with according to behaviour management policies or treated as unwell. Without evidence, don't make assumptions: accusations of drug use may be totally incorrect and may put the staff member at risk of civil action.

### 2 What drugs are illegal or illicit?

Illicit drugs include cannabis, ecstasy and amphetamines. The *Controlled Substances Act* 1984 (Section 18), states that the possession or use of prescribed restricted substances is illegal unless the person is professionally entitled to possess the substance, or has a prescription in their name given by an appropriate person, such as a medical practitioner. If there are concerns that a student may be misusing restricted prescribed medications and the principal's preliminary investigations suggest the problem could have implications of illegality, he or she will suspend inquiries and refer the matter to the police.

Alcohol, although a legal drug, is illegal to have in a public place, such as a school, by a person under 18 years of age. Further information on the legal status of drugs is provided in Appendix F.

### 3 How and when do I get a substance tested?

Contact police in relation to suspicion of any illicit drugs and leave it to the police to investigate and determine the nature of the substance.

### 4 What is the situation relating to drug testing students?

Neither schools nor the Department of Education and Children's Services are authorised to conduct drug tests nor to insist they can be conducted as a condition of re-entry following a suspension or exclusion.

### 5 Is it illegal for students to possess drug paraphernalia, such as bongs etc?

It is illegal to possess drug-related smoking paraphernalia when there is still evidence of the illegal substance on the paraphernalia or if there is intent to use it with illicit drugs. The *Controlled Substances Act* 1984 specifically provides that possession of a hypodermic syringe or needle is not an offence. However, possession of suspected drug-related equipment would infringe the school drug policy or behaviour code and consequently be unsanctioned in the school environment. Further information on the legal status of drug paraphernalia is provided in Appendix F.

### 6 How do I respond to student disclosures around drugs?

Paramount in responding to student disclosures is duty of care and mandatory reporting. School personnel should be aware that personal disclosures are indicators of interpersonal trust and a caring environment. Further advice on responding to student disclosures is given in Part 2 of this book.

## Appendix E: Frequently asked questions about drug-related incidents

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### **7 When do I involve the police?**

By law, the police must be involved in managing an illegal drug incident. Managing an illegal drug incident is primarily a police responsibility; consequently, once school personnel believe that an illicit substance is present, they must suspend any further investigations so as not to compromise police proceedings.

It is advised that school communities make arrangements with their local police to establish a working relationship with them. An established relationship will more easily provide for schools to seek advice and clarification concerning, for example, legality issues surrounding legal drugs being used in an unsanctioned manner and which may result in illegal behaviour. Schools can phone 13 14 44 for police assistance. Phone 000 in an emergency.

### **8 What can I expect of the police?**

When police attend the school they will take possession of a suspected illicit substance and police officers will carry out investigations consistent with approved police practice. Decisions about how to proceed in matters involving students and illicit drugs are the responsibility of the police.

### **9 What happens in the case of police interviewing students?**

Whenever it is necessary for a police officer to interview a child, such interview should, if practicable be conducted at the home of the child in preference to interviewing the child at school. Police can interview young people at home in the presence of a responsible adult who can be a parent/guardian, friend, relative or a solicitor.

If, through urgency, a child must be interviewed by police at school, this must be in the presence of the principal or other senior teacher. Schools are strongly advised to read through Appendix C, which provides further information on the legal aspects and obligations surrounding police interviews.

### **10 What happens if the police do not respond?**

Police are required to respond. If there is no response within the estimated time of arrival, re-contact the police. If police do not respond within a reasonable time, the principal has grounds for complaint to the officer in charge of the communications centre.

### **11 When police are involved, how do I know whether the student has been charged?**

Outcomes of police involvement can be followed up by the school with the police officers who attended the incident.

### **12 What is the Police Drug Diversion Initiative?**

The Police Drug Diversion Initiative provides early incentives to young people to address their drug use. All students found in possession of or using illicit drugs, including illegally possessing or using prescription drugs, are diverted to assessment and counselling.

### **13 Under what circumstances can school premises or student property be searched?**

It is illegal for principals or their delegates to search a student's property unless not doing so will put the student or others at grave and immediate risk. Principals may request police to conduct general searches of school premises if they believe a drug related incident has occurred. Police may need to organise a search warrant depending on particular circumstances. The decision to use the Dog Operations Unit (sniffer dogs) to search students or their property will be made by police and, generally, will not be a preferred option. Police have the power to search a student, a student's possessions and any other property of the student, including their lockers. In some instances a search warrant may be necessary.

## Appendix E: Frequently asked questions about drug-related incidents



### 14 When do I inform parents/caregivers?

If the student is under 18 years of age, inform parents/caregivers as soon as possible. If the police have been contacted, parents/caregivers need to be invited to attend with the police. If family members are unavailable, the student can be interviewed without parents/caregivers present as long as there is an adult present. Utilising the principles of natural justice, students involved in a drug-related incident may choose to have their parent/caregivers act as their advocate.

For students aged 18 or over, there is no obligation to inform or seek cooperation of parents. They may choose not to involve parents. However, principles of natural justice suggest they should be advised to seek a support person.

### 15 What do I do if a student discloses drug use at home?

Assess and treat the matter as you would any other confidential issue. This may involve a mandatory notification report. You are advised to discuss the matter with the principal. Working with your local Drug Action Team Coordinator is also an important consideration.

Further advice on responding to student disclosures is given in Part 2 of this book.

### 16 What do I do if a student refuses to talk about their involvement in a suspected drug-related incident?

Following the rules of natural justice, students have the right to remain silent. Should this right be rigidly adhered to, the principal or delegate should contact the police and ask them to interview the student (with the student's parents/caregivers or own lawyer in attendance). However, students still have the right to refrain from answering questions other than those required by law, such as their name and address. The police have access to the Director of Public Prosecutions to take the matter further if the need is there.

### 17 What is the role of the school/student counsellor in relation to drug-related incidents?

If the school has a counsellor, they may be involved in the development of a targeted intervention program appropriate to meet the needs and circumstances of the student as required. The counsellor may be involved in monitoring the student's development plan and return to school. In other words the counsellor could take a student development planning approach.

### 18 Should I suspend or exclude a student for involvement in illicit drug-related incidents?

The principal/delegate will weigh up the consideration for student welfare, utilise legal and natural justice principles and the need for professional judgment when deciding whether suspension or exclusion are called for. Schools are encouraged to utilise suspension/exclusion procedures as a response to behaviour, rather than as a response to a particular drug.

A suspension pending exclusion period is for up to 5 days, utilising the *Notice of Intention to Exclude*. This gives the school the opportunity to develop a plan of action, including an educational program and placement according to the needs of the student, should the exclusion occur.

## Appendix E: Frequently asked questions about drug-related incidents

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### 19 Aren't we punishing a student twice if police charge the student and we exclude them as well?

Following a drug-related incident, schools must act to:

- protect other students
- provide supportive interventions for students involved in the incident.

Schools are not required to suspend/exclude students for drug-related incidents, but they may choose to utilise these procedures if it is the most appropriate disciplinary response. School personnel are not punishing twice because police action is a consequence under criminal law, whilst the school consequence is for acting against accepted school behaviours.

### 20 Subsequent to a drug incident, can a school insist that a student participate in an intervention with the Drug and Alcohol Services Council (DASC) or have counselling before they re-enter school?

A school may recommend to a parent or a student DASC intervention or counselling. However, they cannot legally require that a student engage in counselling.

### 21 What support is available for students involved in drug-related incidents?

There are a number of support services, such as Interagency Student Behaviour Management, guidance officers and social workers. School personnel can suggest to parents/caregivers the possibility of referral to other agencies, such as the Drug and Alcohol Services Council, Second Story, CAMHS, community health services, private counsellors and their local GP.

### 22 What can the Drug and Alcohol Services Council (DASC) do?

The Drug and Alcohol Services Council offers a range of services to the community, including school personnel, students and families. Key services include:

- *Alcohol and Drug Information and Referral Service (ADIS):* ADIS is a 24 hour telephone information, counselling and referral service for the general public, concerned family and friends, students and health professionals. ADIS is staffed by trained professionals with experience in the alcohol and other drug fields. ADIS also provides information about how to access other DASC services. A wide range of information pamphlets and posters can be purchased through ADIS. Phone: 1300 131 340.
- *Counselling, treatment and rehabilitation services:* A range of confidential counselling, treatment and rehabilitation services are provided from locations throughout South Australia. Appointments are required. For appointments and/or further information call ADIS on 1300 131 340.
- *Needle Clean Up Hotline:* The hotline offers a state-wide 24 hour contact point to report incidences of needle and syringes found in public places. Hotline staff will arrange collection as soon as possible. Advice is also available on how to dispose of needles and syringes safely and how to deal with needlestick injury. Phone: 1300 131 340
- *Hepatitis Helpline:* The helpline offers a 24 hour telephone counselling service, providing information, referral and support for all types of hepatitis. Phone: 1800 621 781 (freecall)
- *DASC library:* The library has a wide range of resources on alcohol, drugs and gambling. School personnel are able to borrow from the collection. A video catalogue specifically for educators is available. Students are welcome to come to the library to locate relevant information, but cannot borrow. DASC library is located at 161 Greenhill Rd, Parkside 5063. Open Monday–Friday 9.00am–4.45pm. Phone: 08 8274 3361. DASC library e-mail: librarydasc@saugov.sa.gov.au

## Appendix E: Frequently asked questions about drug-related incidents

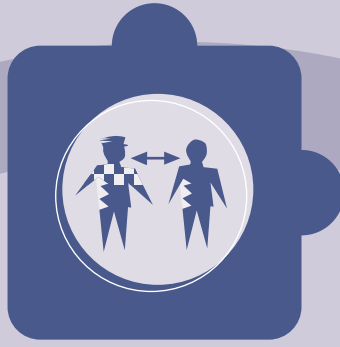


### 23 What do I do with sharps?

Any concerns may be referred to the Drug and Alcohol Services Council *Needle Clean Up Hotline*. This is a state-wide service for people to report incidences of needles and syringes found in public places. Hotline staff will arrange collection as soon as possible. Advice is also available on how to dispose of needles and syringes safely and how to deal with a needlestick injury. Phone: 1300 131 340.

### 24 When would it be appropriate to offer a smoking cessation program?

Many students at school experiment with smoking and dependency is not an issue. However, some students may indicate that they are tobacco dependent. Schools may like to suggest to these students that they seek assistance through the Quitline on 13 18 48. Teachers can also get further information from Quit SA on 08 8291 4141.



## Appendix F: Legal status of drugs



The legal obligations of teachers' work, including their duty of care responsibilities, are informed, in part, by an understanding of the legal status of drugs. The legal status of the categories of most drugs is described below.

### Caffeine

Caffeine is legal and is usually enjoyed in schools by school personnel, students and families in the forms of tea, coffee and chocolate. Caffeine is also shared with visitors and families to welcome them to schools and sites. The legal levels of caffeine in food and drinks are governed by the *South Australian Food Act 2001*. However, schools are strongly discouraged from selling caffeinated high energy drinks in school canteens.

### Tobacco

Tobacco is not a prohibited substance; consequently the possession of tobacco is not an offence. However, restrictions apply to its sale and supply, as well as the location where tobacco can be used. The sale or supply of tobacco to people under the age of 18 is an offence under the *Tobacco Control Act 1986*. School sites are also smoke-free environments to meet the required *Occupational Health, Safety and Welfare Act 1986* obligations of DECS. Smoking of tobacco is not permitted during school hours on school grounds. There may be occasions where the public utilise school grounds on evenings or weekends and schools, in consultation with their communities, need to develop local policies to cover such occasions. School communities are encouraged to include advice about their smoke-free status in their behaviour code.

### Alcohol

Alcohol is not a prohibited substance. However, a number of restrictions apply to alcohol consumption, particularly in relation to young people in a public place, such as a school. The sale or supply of alcohol to people under the age of 18, other than by their parents or guardians, is an offence under the *Liquor Licensing Act 1997*. A young person cannot legally drink alcohol in a public place, such as a school. The *Liquor Licensing Act 1997* also states that a young person who supplies alcohol to another young person or group of young people in a school is committing an offence, as is a young person who consumes alcohol in a public place, such as a school. School behaviour codes may also outline consequences for bringing alcohol onto school grounds.

School staff also have OHS&W and duty of care obligations to students in relation to alcohol, which means that school personnel must not be affected by alcohol while students are in their care.

## Appendix F: Legal status of drugs

### Prescription and over the counter medication, including analgesics

Staff should manage student medication in line with DECS *Health support planning* guidelines (section 5.2 medication management). These encompass prescription and over the counter medications, including analgesics administered by staff and self-administered by students. Students and families can be encouraged, whenever safe and reasonable, to manage medications outside of school hours. This minimises potential risk and harm.

It is illegal for anyone to possess, use, distribute or sell any prescription drug which has not been prescribed for them, unless safe medication management guidelines are being followed.

Schools can contact police for advice or clarification if there are concerns that medications are being used or distributed illegally.

### Volatile substances

Volatile substances, also known as solvents, can be inhaled into the lungs to produce short-term euphoric states with a potential to cause long-term harm. They may be industrial solvents that are usually toxic. Many ordinary household products contain volatile substances that can be inhaled, including glue, aerosol sprays, butane gas, some cleaning fluids, felt-tipped pens, liquid paper, paint thinner, chrome-based paints and petrol. Small metal cylinders containing nitrous oxide for whipping cream are also commonly used for inhalation.

Volatile substances are legal, but their supply for the purposes of being inhaled is illegal. Section 19 of the Controlled Substances Act makes it an offence for the sale or supply of a volatile solvent to another person if it is suspected the person intends to inhale it or pass it to someone else to inhale. On the Anangu Pitjantjatjara Lands, possession of petrol for the purposes of inhaling is in contravention of the By-laws under the Pitjantjatjara Land Rights Act 1987.

### Illicit drugs

Cannabis, hallucinogens, heroin, cocaine, ecstasy and amphetamines are illegal in South Australia. Certain types of amphetamines, for example, dexamphetamine, may be kept at school as a treatment for a medical condition. A student supplying their own or someone else's medication to another student is committing an offence and functioning against the accepted school behaviour code. When an illicit drug is involved in a drug-related incident, the school must involve the police. It is best practice, in managing drug-related incidents, to have caregivers involved as early as possible in the drug incident.

In some cases of illicit substances, the police may need to take the substance for identification. The police and not school personnel most appropriately carry out this procedure, since it means the police have carriage of the illicit substance and carry the cost of identifying the substance.

### Drug paraphernalia

This includes smoking paraphernalia, as well as needles and syringes. Smoking paraphernalia may include home-made pipes which could be constructed out of plastic bottles with hoses attached and may be dismantled into smaller parts. It is not illegal to have an unused pipe. It is illegal to have an instrument which has been used for smoking cannabis or one which retains evidence of cannabis, or with the intention to use the instrument to smoke illicit drugs, and police need to be advised in these instances.

It is no longer an offence for a person to have in his or her possession a syringe or needle for use in connection with the administration of a drug of dependence or prohibited substance (even if it has traces of a substance in the syringe). This is as a result of the needle exchange program that was introduced in 1991. Police support the project as a means of stopping the spread of blood borne diseases caused by sharing needles during injecting drug use.

# Support services



## **Police**

Phone: 13 14 44

## **Poison Information Centre (24 hours)**

Phone: 13 11 26

## **Alcohol and Drug Information Service (ADIS)**

Phone: 1300 131 340

(freecall 24 hour confidential telephone counselling, information and referral service)

## **Drug and Alcohol Services Council (DASC)**

Initial inquiries to DASC for all DASC services should be made through ADIS

Phone: 1300 131 340

## **Child Abuse Report Line**

Phone: 13 14 78

## **Kids Help Line**

Phone: 1800 551 800

## **Mental Health (24 hour Emergency Crisis)**

Phone: 13 14 65

## **Parent Help Line (Child & Youth Health)**

Phone: 1300 364 100

## **Child Abuse Prevention Services**

Phone: 1800 688 009

## **Multicultural Youth Information and Support Service**

Phone: 8212 0085

## **Languages and Multicultural Education Group**

Phone: 8226 2756

## **Refugee Association Australian Incorporated**

Phone: 8354 2951

## **Refugee Advocacy Service of South Australia**

Phone: 8211 9097

## **Interpreting and Translating Centre**

Phone: 08 8226 1990

## **ABC International Pty Ltd (Translating and Interpreting Services)**

Phone: 8364 3643 or 8364 5255 (24 hour direct line)

## **Aboriginal Youth Team (for support in managing incidents)**

Phone: 8347 3785

## **Aboriginal Drug and Alcohol Council (SA) Inc (ADAC)**

Phone: 08 8362 0395

## **Migrant Health Service**

Phone: 08 8237 3900

## **Women's Healthline**

Phone: 1300 882 880

## **Quitline**

Phone: 13 18 48

## **Quit SA**

Phone: 08 8291 4141

## **AI-Anon/Alateen Families of Alcoholics**

Phone: 08 8231 2959

## **Needle Clean Up Hotline**

Phone: 1300 131 340

## **Hepatitis Helpline**

Phone: 1800 621 781

## **Drug Action Team State Coordinator**

Phone: 08 8204 2814 for information on local numbers

## **Crime Stoppers**

Phone: 1800 333 000

## **DECS Drug Strategy Team**

Phone: 08 8226 1054

## **DECS Legislation and Legal Services**

Phone: 08 8226 1555

## **DECS Communications Manager**

Phone: 08 8226 7904

## References

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- Department for Education and Children's Services (1996) *School discipline policy implementation kit*, DECS, Adelaide
- Department of Education and Children's Services (2003) *Keeping connected*, DECS, Adelaide
- Department of Education and Children's Services (forthcoming) *Manual for core team leaders* (title currently not determined), DECS, Adelaide
- Department of Education, Employment and Training (2000) *Get wise: Working on illicit in school education*, DEET, Victoria
- Department of Education, Training and Employment (2000) *Drug Strategy—with our eyes open*, DETE, Adelaide
- Department of Education, Training and Employment (2001) *Health support planning in schools, preschools and childcare services*: DETE, Adelaide
- Department of Education and Training (2000) *Guidelines for managing drug-related incidents in schools*, Department of Education and Training, NSW
- Department of Education, Training and Youth Affairs (1999) *Tough on drugs! National school drug education strategy*, DETYA, ACT
- Department of Education, Training and Youth Affairs (2000) *National framework for protocols for managing the possession, use and/or distribution of illicit and other unsanctioned drugs in schools*, DETYA, ACT
- Flick, Geoffrey (1984) *Natural justice: Principles and practical application* (2<sup>nd</sup> ed), Butterworths, Sydney
- Fullan, Michael (1993) *Change forces: Probing the depths of educational reform*, Falmer, London
- Fullan, Michael (1999) *Change forces: The sequel*, Falmer, London
- National Children's and Youth Law Centre (1999) *Being fair: A procedural fairness manual for Australian schools*, University of New South Wales, Sydney
- Office for the High Commissioner for Human Rights (1989) *Conventions on the Rights of the Child*, adapted and opened for signature, ratification and accession by General Assembly resolution 44/25 of 20 November 1989  
Available at <http://www.unhcr.ch/html/menu3/b/k2crc.htm> (accessed 9 July 2003)
- White, Naomi (1997) 'Natural justice, children and the school', in *Australian Journal of Law and Society*, 13, pp. 91–210
- World Health Organisation (1981) 'Nomenclature and classification of drug and alcohol-related problems: A WHO memorandum', *Bulletin of the World Health Organisation*, 59, 2, pp.225–242

