



# Student Drug and Alcohol Policy 2021/22

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## 1. Introduction

- 1.1 NMITE recognises its duty of care and is committed to providing a safe and positive study and living environment for our students and to promote the health, safety, and wellbeing of all of our community members.
- 1.2 NMITE acknowledges that the use of drugs including alcohol can be a common feature of the lives of young people. Young people are likely to find themselves in environments and situations where they might come into contact with drugs including alcohol and for some it may be the first time, they come into contact with illegal drugs.
- 1.3 NMITE must operate in the context of national legislation and would be committing a criminal offence were it to knowingly permit the use, production, or supply of any controlled drugs on its premises.



- 1.4 NMITE has a zero-tolerance approach and therefore, cannot allow the possession, use or supply of controlled drugs or psychoactive substances on its premises. We do recognise however the need and benefit of a blended approach to ensure appropriate support is available and offered to students in regard to the use of drugs and alcohol.

## **2. Scope**

- 2.1 This policy applies to all students at NMITE.
- 2.2 This policy relates to the use of alcohol and other drugs that are controlled by the Misuse of Drugs Act 1971, the Psychoactive Substances Act 2016 and the unauthorised use and possession of prescription medicines regulated by the Medicines Act 1968, by students.
- 2.3 This policy does not apply to NMITE staff; a separate Staff policy is available from the Human Resources department.

## **3. Purpose**

- 3.1 The purpose of this policy is to:
- i. Provide clarity on the NMITE's position on alcohol and drugs in order to minimise problems for staff and students
  - ii. Support those affected with alcohol or controlled substance related problems by providing clear signposting to the support available to students and encouraging students to access treatment where possible.
  - iii. Identify circumstances in which disciplinary action will be instituted for alcohol or controlled substance misuse.
  - iv. Meet the NMITE's legal obligations to ensure the health and safety of its staff, students, and others at work.

## **4. Legal Context**

### Misuse of Drugs Act 1971

- i. It is a criminal offence for a person to be in possession of, to produce, to sell/supply or intend to sell/supply any controlled drug as listed within the act.
- ii. It is an offence to be in possession of a drug used for medicinal purposes without a valid prescription.
- iii. It is an offence for a person to supply (give/lend) a drug used for medicinal purposes that has been prescribed to them to another person.
- iv. It is a criminal offense for NMITE to knowingly permit the use, production, or supply of any controlled drugs on any of its premises.

### Psychoactive Substances Act 2016



- i. It is a criminal offence for a person to produce, supply or intend to supply, import or export of any substance if it is intended for human consumption that is capable of producing a psychoactive effect and regardless of its potential for harm.
- ii. It is a criminal offence for NMITE to knowingly permit the production, supply, import or export of any substance if it is intended for human consumption that is capable of producing a psychoactive effect and regardless of its potential for harm.
- iii. The only exemptions from the Act are nicotine, alcohol, caffeine, medicinal products, and those already controlled by the Misuse of Drugs Act.

#### The Health and Safety at Work Act 1974 (HSWA)

- i. places a duty on an institution to do everything reasonably practicable to ensure the health and safety of those affected by its undertaking, including its students.
- ii. The smoking ban in England came into force on 1 July 2007 as a consequence of the Health Act 2006. Smoking is prohibited in areas used as a shared workspace and in flats with communal entrances or shared corridors. Ref. Smoking Policy for further detail.

#### Licensing Act 1964

- i. Alcohol use by adults is not illegal and its consumption subject to the Licensing Act 1964 is permitted within NMITE student accommodation and at social events on other premises.

#### Sexual Offences Act 2003 – Consent

- i. This act states that a person consents to a sexual act only if they agree by choice and have the freedom and capacity to make that choice. If a person's capacity to consent to any form of sexual activity is limited by drugs including alcohol, then they cannot give consent. Impaired judgement because of consumption of drugs including alcohol is not a valid defence against sexual offences. NMITE takes a zero-tolerance approach to sexual violence.
- 4.1 Students who contravene the legislation outlined above, may be subject to disciplinary action by NMITE and this may include reporting incidents to the Police.
  - 4.2 Students living in NMITE managed accommodation or accommodation managed by CityHeart Living should familiarise themselves with the terms and conditions as they may be putting their accommodation at risk.

## 5. Awareness

- 5.1 NMITE will endeavour to increase awareness and understanding of drug and alcohol related issue. This includes:



- i. raising student's awareness through information and signposting accessible within the Safe Lifestyle section of MyNMITE
- ii. having information and discussion forums delivered in conjunction with external organisation during the Induction week

## 6. Support for students

- 6.1 Arrival at NMITE, will be a significant transition period and important milestone, bringing with it new and exciting experiences. Although this new environment may provide students with a range of opportunities to develop and flourish, the impact of the transition may be greater for some students than others which may make them more vulnerable to experimenting with drugs and alcohol possibly for the first time. Advice on managing transition and looking out for each other forms part of the NMITE Induction week
- 6.2 [Appendix 1](#) contains useful tips for students feeling pressured into taking drugs and [Appendix 2](#) – Have you thought of the risks
- 6.3 Safe and sensible drinking can be a positive feature of student life. For many, it is part of the student experience. If a student is concerned about their own level of alcohol or drug use or that of a fellow student, they are encouraged to contact Student Support Team who can offer a range of support and signposting. By doing this at an early stage, a support package can be developed to minimise deterioration in mental wellbeing as well as the impact and potential for anti-social behaviour, disruption to engagement and performance within the learning environment and ultimately disciplinary proceedings.

## 7. Student Support Team

- 7.1 The Student Support Team offers a confidential drop-in and appointments service to all students for any aspect of student life including in regard to the use of alcohol and drugs. Further detail is provided within the Student Handbook and on MyNMITE.
- 7.2 The use of alcohol or drugs can be both a symptom of or a risk factor of poor mental health and wellbeing. People with mental health problems are more vulnerable to problematic use and related harms. Student Support Team members are Mental health Champions and can offer a non judgemental, holistic approach to support, including:
  - i. individual 1:1 support
  - ii. signposting to information
  - iii. advice on application for reasonable adjustments under the relevant policies,
  - iv. mental health support plans
  - v. referral and liaison with external agencies.



7.3 The Student Support Team may also assist, advise, and liaise with relevant academic staff on how best to support students' mental health.

#### 7.4 Right Steps

As part of its integrated Wellbeing and Mental Health services, NMITE students have access to Right Steps; an on-demand wellbeing and mental health platform designed to create long-term behaviour changes to help reduce stress, anxiety and low mood, providing support to help live a happier life. Right Steps offers the latest information and advice about a wide range of health and wellbeing topics.

These include:

- i. 5 ways to Wellbeing
- ii. Anxiety
- iii. Low Mood
- iv. Stress
- v. Healthy eating
- vi. Physical Activity
- vii. Sleep difficulties
- viii. Help to Stop smoking

Students have access to Right Steps via MyNMITE.

## 8. Information on alcohol and drugs

8.1 Students can also access the Right Steps confidential counselling service. NMITE staff do not receive any information relating to students who have accessed different sections, although do have access to a report of the resources viewed the most. This supports NMITE to target its Wellbeing promotion activities.

8.2 The Student Support Team will make every effort to engage with the student to form a package of available support with an aim to enabling the student to productively engage with their studies.

8.3 Engagement with any of the support suggested or offered by staff is at the discretion of the student and their wishes in terms of accessing support will be respected. Student should note that this will be taken into consideration in the event of disciplinary proceedings being brought against the student.

8.4 NMITE is an education institution and there will be limitations on the support services it is able to offer individuals. The Student Support team may signpost to outside agencies for more specialist support and treatment.

8.5 Hereford Recovery Service is a first point of contact for referral for students who may need specialist support



The integrated substance misuse service provides free and confidential support for adults and young people around their use of alcohol and other drugs.

Students may contact the service directly using the details below or the Student Support Team can make a referral.

Telephone: call us on [0300 555 0747](tel:03005550747)

Email: email at [Herefordshire@turning-point.co.uk](mailto:Herefordshire@turning-point.co.uk)

In-person: visit the service at their central hub in Hereford

[Online Referral Form – complete this form and the Hereford Recovery Service will contact to discuss next steps](#)

8.5 Additional help can be found on the following websites:

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

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

Alcohol Concern - [www.alcoholconcern.org.uk](http://www.alcoholconcern.org.uk)

Alcohol advice and information - [www.drinkaware.co.uk](http://www.drinkaware.co.uk)

NHS services and support - [www.nhs.uk](http://www.nhs.uk)

## 9. Management and Procedure

9.1 Any student found having used or being suspected of having used controlled substances illegally will be provided in the first instance with the necessary care and attention in relation to their health needs. NMITE's priority is to safeguard the wellbeing of the individual and all other students.

## 10. Conduct

10.1 NMITE takes antisocial behavior seriously. If NMITE becomes aware that a student's behavior in relation to use of drugs including alcohol is impacting negatively on others, a student may be suspended, from some or all of NMITE premises in the following cases:

- i. where their continued presence constitutes a threat to themselves or others.
- ii. where their behaviour disrupts other students in their studies, or in the wider use of the campus.
- iii. where their behaviour seriously breaches the Student Disciplinary Procedures.
- iv. where their behaviour compromises the reputation of NMITE

10.1 Dealing of drugs will be seen as a harm to others and to the reputation of NMITE. Where there is reason to believe that a student has been dealing drugs or has invited others on NMITE premises with the intention for them to deal to others,



NMITE will ordinarily immediately suspend the student pending internal investigation and/or criminal proceedings.

## **11. Disciplinary Proceedings**

- 11.1 Where breaches of the NMITE's Student Drug and Alcohol Policy are suspected, they will be referred under the NMITE Student Disciplinary Procedures, any student found in possession of, using, or dealing illegal drugs (or what are reasonably suspected to be illegal drugs) will normally be subject to disciplinary action.
- 11.2 The outcome of disciplinary proceedings could include mandatory drugs awareness programmes, notice to leave NMITE accommodation, suspension, or expulsion from NMITE. Other potential sanctions are listed with the Student Disciplinary Policy.
- 11.3 NMITE also has a legal duty to inform the police of any incident involving controlled substances, which could result in criminal prosecution. If a student is convicted of a drug-related offence, there may be additional implications for their future employment and travel. Students must recognise that criminal convictions impact on life chances; further information can be found in [Appendix 3](#) – Drugs - the impact on your future.
- 11.4 If NMITE becomes aware that a student has been arrested or charged off campus due to criminal offences related to the use or supply of drugs including alcohol, depending on the nature of the offence this may be managed via the Student Disciplinary Procedure. Where charges related to drug dealing have been brought but criminal proceedings do not result in conviction, Student Disciplinary processes will continue and if it is decided on the balance of probability that a student has been dealing drugs, NMITE will ordinarily permanently exclude the student.

## **12. Accommodation**

- 12.1 Student should refer to their individual tenancy agreements with their accommodation provider.

## **13. Additional Factors and Considerations**

### **13.1 Offsite working**

- 13.1.1 During their learning students are likely to participate in off-site working. The Personal Tutor or Module Lead are responsible for assessing the risks involved, including those related to a pre-existing mental health condition for which plans can then be made; they may do this jointly with the Student Support Team if required.



13.1.2 As part of the risk assessment process, the Personal Tutor or Module Lead specifies the frequency of the contact they will maintain with their students, providing an opportunity for concerns to be identified. Part of the briefing for all students engaging in offsite working will include suitable contact details in the event of difficulties.

13.1.3 Whilst distance from NMITE imposes some constraints, students undertaking offsite working away from the NMITE are still entitled to access support from the Student Support Team via e-mail and telephone contact.

## **13.2 Impact on other Students and Staff**

13.2.1 NMITE has a duty of care to all staff and students. There is a balance between the duty of care to an individual student and the overall duty of care to staff and other students.

13.2.2 If students are finding another student's behaviour challenging or coercive it is key that they speak with someone about this and the impact that it is having on them. Students are encouraged to speak with a member of the Student Support Team or their Personal Tutor.

13.2.3 If staff experience behaviour which they find challenging, then they should contact the Security or Student Support Team.





## **14. Appendix 1 - Feeling pressured to take drugs?**

Here are 10 ways to deal with it

- Remember that you are not alone. It is easy to think you are the only one who is not tried drugs but, actually, most young people do not take drugs.
- Work out where you stand on issues like sex, drugs, and alcohol. Knowing your own mind makes it easier to stay true to yourself.
- Prepare yourself. Think about how you would like to respond when someone offers you drugs so you know what to say.
- Try to understand who is offering you the drugs and why. Friends should understand if you say no, people you do not know you very well may expect something in return.
- Say no firmly but clearly and without making a big deal about it. If they try to persuade you, do not feel like you have to change your mind.
- Remember that, although they may not show it, your mates will respect you more if you are assertive and clear about what you do and do not want to do.
- Take a look around. You will soon see that you are not the only one worrying about what other people think of you. Try to focus on your own opinion of yourself - in the end, that is all that matters.
- Worried about your mates being pressured? Do not keep it to yourself, talk to them, or someone you trust.
- If you are finding it hard to be yourself within your group, take a step back, and think about whether it is time to find a new crowd to hang out with.
- Before trying anything new it makes sense to know what's what. You can find out more about different drugs on the Drugs A to Z or call FRANK on 0300 123 6600 at any time, day, or night.

## **15. Appendix 2 - Have you thought of the risks?**

There are always risks involved when taking illegal drugs, have thought of all of them?

- the user can never be sure of exactly what they are taking
- when a drug is bought, it is unlikely to be pure and you will not know what it has been mixed with
- not knowing the strength of what has been bought could lead to accidental overdose
- you cannot be sure what effect a drug will have, even if you have taken it before



- it is often extremely dangerous to mix different drugs - this includes taking a drug and drinking alcohol
- if needles, syringes, or other injecting equipment are shared, there is a serious risk of dangerous infections being spread such as HIV and hepatitis
- injecting can also lead to irreparable damage to your veins

For further information on the risks and what to do in an emergency refer to the Safe Lifestyle section of MyNMITE [\[insert link\]](#)



## **16. Appendix 3 - Drugs - the impact on your future.**

As well as the potential for significant impact on both physical and mental health; the use of drugs and convictions relating to the use, production, supply or importing of controlled and or psychoactive drugs may have serious consequences for your future life, relationships, finances, career, employment and even travel.

It is not just dealers who will be arrested; carrying drugs for personal use could get you a large fine or time in prison.

You should understand the laws surrounding drug classifications, possession, and intent to supply

### **Drugs and the law**

It is illegal:

- to have drugs stored or in your possession
- to supply anyone with drugs
- to make drugs
- to import or export drugs

It is also illegal to allow premises you own, rent, use, or occupy to be used for any drug-related activity.

If you are found with drugs near a school, youth facility or location where young people formally meet, the courts will treat this as an aggravating issue can impose higher penalties.

### **Drug dependency**

For many drug users, increased drug use can lead to dependency and this condition can lead to many more problems. As drug misuse and dependency increases it can become more difficult to study or work. This alongside an increasing expenditure on drugs will often lead to financial difficulties paying household and personal bills, even having enough money to purchase food. Money may need to be borrowed and if repayments cannot be met, this may lead to debt proceedings and impact on future credit rating and ability to have a mortgage or further loans in the future.

As drug misuse increases, some people may use crime, such as theft of food and or burglary, to find items that can be stolen and sold to others to raise money to buy more drugs. Others may resort to more serious crimes such as robbery or extortion - anything to secure money to buy drugs. Some people will resort to dealing to raise income, but if caught by the police this can lead to higher penalties being given by a court.

### **How drugs are classified**

Drugs are put into one of three categories, according to how dangerous they are and the impact they have on society - not necessarily the individual. It is worth remembering



that different drugs affect people in different ways. Drugs in all classes, not just those in 'Class A', are very dangerous.

The three categories of drugs are Class A, Class B and Class C:

- heroin, cocaine, ecstasy, and LSD are Class A drugs
- speed, cannabis, ketamine, mephedrone and some amphetamines are Class B drugs
- anabolic steroids, GHB and some tranquilisers are Class C drugs

Also refer to the section on Psychoactive Substances, also (mistakenly) referred to as 'legal highs'

### **Possessing drugs**

If the police stop you and you are in possession of drugs, it is likely that you will be arrested. The drugs found will be seized and destroyed.

If you are caught with drugs you may be charged with possessing (or possession with intent to supply - a much more serious offence) controlled drugs, whether it is yours or not.

If the police find you with drugs, the punishment that you receive will depend on the class of drug, the quantity of drugs found, where you are found and your personal history (previous crimes, but importantly, any previous drug offences).

For example, for a person over the age of 18; it should be anticipated that you will receive a caution and further action, such as prosecution, will depend upon the decision reached by the Public Prosecution Service.

### **Risks of taking drugs**

If you are found with a Class A or B drug and have a history of drug offences, you will be prosecuted.

The maximum sentences for possession of each class of drug are:

- up to seven years in prison or an unlimited fine (or both) for a Class A drug
- up to five years in prison or an unlimited fine (or both) for a Class B drug
- up to two years in prison or an unlimited fine (or both) for a Class C drug

Sentences can increase if you are dealing drugs or supplying them - even if it is just to friends with no money changing hands.

### **Cannabis**

Cannabis is illegal. It is a Class B drug.

The maximum penalty for possession of cannabis is five years imprisonment. A magistrate's court can also impose a fine of up to £2,500.



If you are prosecuted for supplying or producing an illicit drug, the maximum prison sentence is 14 years.

### **Psychoactive substances**

It is an offence to produce, supply or offer to supply any psychoactive substance if the substance is likely to be used for its psychoactive effects.

Possessing any psychoactive substance with intent to supply, supplying, or offering to supply, producing, importing, or exporting, all carry a penalty of either up to six months' imprisonment or a fine, or up to seven years' imprisonment or a fine.

Offences with psychoactive substances could be considered 'aggravated' if they involved supply to under 18s, were near a school or a children's home.

### **Intent to supply and dealing**

Supplying drugs does not just apply to dealers. If police suspect you are going to share drugs with your friends, this is still considered to be supplying.

Being suspected of supplying drugs means you are likely to be charged. The amount of drugs found on you and whether you have a criminal record, will be taken into account when a punishment is being decided.

The maximum sentences for intent to supply drugs are:

- up to life in prison, an unlimited fine or both for a Class A drug
- up to 14 years in prison, an unlimited fine or both for a Class B or Class C drug

### **Other impacts**

If you are found guilty of a drug offence, this could affect your future. You might not be able to follow the career you want. Some countries will not let you in even as a tourist if you are convicted for a drug offence.