## Misuse of Drugs by Students Policy

<table>
<thead>
<tr>
<th>Originator name:</th>
<th>Craig Lowe</th>
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<tbody>
<tr>
<td>Section / Dept:</td>
<td>Student Support, Registrar’s Division</td>
</tr>
<tr>
<td>Implementation date:</td>
<td>April 2016</td>
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<tr>
<td>Date of next review:</td>
<td>July 2017</td>
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| Related policies: | [www.surrey.ac.uk/currentstudents/regulations/regulations.htm](http://www.surrey.ac.uk/currentstudents/regulations/regulations.htm)  
Student Misuse of Drugs – Supporting Procedures  
Student Disciplinary Regulations  
Fitness to Study Regulations  
Student Death Policy |
| Policy history: | Created by Student Support Services, in consultation with University colleagues |

### Version History

<table>
<thead>
<tr>
<th>Version</th>
<th>Author</th>
<th>Revisions Made</th>
<th>Date</th>
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<tbody>
<tr>
<td>1.0</td>
<td>Craig Lowe</td>
<td></td>
<td>October 2014</td>
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<tr>
<td>1.1</td>
<td>Craig Lowe</td>
<td>Update – PSA, effect from April 2016</td>
<td>March 2016</td>
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<td>1.2</td>
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### Approval History

### Equality Analysis

<table>
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<tr>
<th>Version</th>
<th>Reviewed by</th>
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<tbody>
<tr>
<td>1</td>
<td>Equality &amp; Diversity Staff Member’s Name</td>
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### Committee Sign Off

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<tr>
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<tr>
<td>1</td>
<td>Executive Board Committee (or other)</td>
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1 Introduction

The University will not tolerate the misuse of drugs, including psychoactive substances, and will always take action. This Policy sets out the University’s approach and attitude to the management of the misuse of drugs. For a list of drugs see: [www.talktofrank.com/drugs-a-z](http://www.talktofrank.com/drugs-a-z)

1.1 Purpose

1.1.1 The purpose of this policy and related procedures is to set out the University’s approach to the misuse of drugs and provide information on disciplinary action and pastoral care which may be applicable.

The aims are to:

- minimise harm and keep students safe
- ensure institutional and student compliance with the law
- ensure the maintenance of a safe and productive living and learning environment
- recognise some students may require support arising from the use of drugs

1.2 Scope

1.2.1 The policy provides an overview of the responsibilities and actions required by a range of stakeholders to respond to the misuse of drugs.

1.3 Equality Analysis

1.3.1 Equality analysis is pending.

1.4 Definitions

1.4.1 **The Misuse of Drugs Act 1971 (Appendix A)** is intended to prevent the non-medical use of certain (controlled) drugs, so controls not just medicinal drugs (see Medicines Act 1968) but also drugs with no current medical uses. It divides drugs into classes (A/B/C and Temporary Class Drugs) see [www.legislation.gov.uk/ukpga/1971/38/contents](http://www.legislation.gov.uk/ukpga/1971/38/contents).

**Offenses under the Misuse of Drugs Act** include (amongst others) the possession, supply, or production of controlled drugs.

- **Possession of a controlled drug** - occurs when an individual is in physical possession or in control of the substance and had knowledge of possession of the item, even if he did not know it was a controlled drug.
- **Supplying, or offering to supply, a controlled drug** - includes supply and distribution and does not require proof of payment or reward.
- **Production of a controlled drug** - is when an individual has some identifiable participation in the process of producing, by manufacture, cultivation, or any other method, a controlled drug

For criminal penalties see: [www.gov.uk/penalties-drug-possession-dealing](http://www.gov.uk/penalties-drug-possession-dealing)

**Psychoactive Substances** (as defined by the Psychoactive Substances Act 2016) is any substance which (a) is capable of producing a psychoactive effect in a person who consumes it, and (b) is not an exempted substance (e.g. Nicotine, alcohol and caffeine)

**OSCAR** – Office of Student Complaints, Appeals and Regulations ([www.surrey.ac.uk/currentstudents/study/complaints_appeals/](http://www.surrey.ac.uk/currentstudents/study/complaints_appeals/))
## Legislative context

1.5.1 The following legislation is relevant:

- **Psychoactive Substances Act 2016** (enacted 06/04/16)
  

- **Misuse of Drugs Act (1971)** (see appendix)
  

- **Medicines Act 1968**
  

- **The Misuse of Drugs Regulations 2001** - allow for the lawful possession and supply of controlled (illegal) drugs for legitimate purposes
  

- **Health and Safety at Work Act 1974**
  

- A list of controlled drugs, classification and legal penalties is available from:
  

  [www.gov.uk/government/publications/controlled-drugs-list](http://www.gov.uk/government/publications/controlled-drugs-list)

- **Crime and Disorder Act 1998** – duty on responsible authorities (council / police) to do all that is reasonable to prevent crime and disorder in its areas
  

- **Government policy on reducing drug misuse / dependence**
  


## Health & Safety Implications

1.6.1 The ability of a student to adequately and safely pursue studies, particularly involving ‘practical’ work, while being under the influence of drugs may be significantly impaired. The University has a duty under the Health and Safety at Work Act to ensure as far as is reasonably practicable, the health and safety of its employees, students and others at work. The University has procedures to address such matters under the ‘Fitness to Study’ policy.

Students or staff who suspect that misuse of drugs places an individual(s) at risk should notify an *authorised person* under the University disciplinary regulations.

[www.surrey.ac.uk/currentstudents/regulations/regulations.htm](http://www.surrey.ac.uk/currentstudents/regulations/regulations.htm)

## Policy

### Principles

2.1.1 See 1.1.1

### Procedures

**2.2.1 Procedures for Dealing with Emergency or Fatal Drug Incidents**

**Emergency Drug Incidents**
Physical collapse or unconsciousness can result from use of drugs or solvents. In a medical emergency:

- Telephone security 3333, who will alert emergency services 999
- If qualified, administer first aid

**Fatal Drug Incidents**

In the event of fatal incidents, see the Student Death Policy: [www.surrey.ac.uk/currentstudents/regulations/regulations.htm](http://www.surrey.ac.uk/currentstudents/regulations/regulations.htm)

<table>
<thead>
<tr>
<th>2.2.2</th>
<th>Procedures for Dealing with Non-Emergency / Non-Fatal Drug Incidents</th>
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<tr>
<td><strong>Drugs in a Court of Residence</strong></td>
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<td>Where this occurs within University Courts of Residence the relevant Duty Warden is the authorised person under disciplinary regulations and should be immediately informed, they will follow the procedures outlined in the supporting procedures document. (see 3.4.2)</td>
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**Drugs in a University premises other than a Court of Residence**

Where this occurs outside a University Courts of Residence the authorised person under disciplinary regulations should be informed and they should notify security.

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<th>3</th>
<th>Governance Requirements</th>
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<tr>
<td><strong>3.1 Responsibility</strong></td>
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<td>3.1.1 Overall responsibility for the University’s response to student use of illegal drugs rests with the VP &amp; Registrar. All members of the University are expected to play an appropriate role in reducing the misuse of drugs by students.</td>
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| **3.2 Implementation / Communication / Training Plan** |
| 3.2.1 Implementation will be publicised to staff via the Leaders’ Alert and SurreyNet. There will be direct email communication to colleagues in relevant offices. Implementation will be publicised to students through direct communication and through collaboration with the Student’s Union. Training will be provided annually through Student Support Services, in coordination with national drugs training organisations or local police. |

| **3.3 Exceptions to this Policy** |
| 3.3.1 Providing a safe environment and response to known risks in order to reasonably protect students from harm is required by legislation. There are no exceptions to this policy. Each case will be treated in line with the policy and individual circumstances. |

| **3.4 Supporting documentation** |
| 3.4.1 Appendix A– Misuse of Drugs Act 1971 (S5/S8) covering University landlord responsibilities. |
| 3.4.2 [Misuse of Drugs supporting procedures](#) (as may be amended from time to time) |
Notwithstanding offences in regards to the cultivation, preparation and supply of controlled drugs (S4);

**S5: Restriction of Possession of Controlled Drugs.**

(1) Subject to any regulations under section 7 of this Act for the time being in force, it shall not be lawful for a person to have a controlled drug in his possession.

(2) Subject to section 28 of this Act and to subsection (4) below, it is an offence for a person to have a controlled drug in his possession in contravention of subsection (1) above.

(3) Subject to section 28 of this Act, it is an offence for a person to have a controlled drug in his possession, whether lawfully or not, with intent to supply it to another in contravention of section 4(1) of this Act.

(4) In any proceedings for an offence under subsection (2) above in which it is proved that the accused had a controlled drug in his possession, it shall be a defence for him to prove—

(a) that, knowing or suspecting it to be a controlled drug, he took possession of it for the purpose of preventing another from committing or continuing to commit an offence in connection with that drug and that as soon as possible after taking possession of it he took all such steps as were reasonably open to him to destroy the drug or to deliver it into the custody of a person lawfully entitled to take custody of it; or

(b) that, knowing or suspecting it to be a controlled drug, he took possession of it for the purpose of delivering it into the custody of a person lawfully entitled to take custody of it and that as soon as possible after taking possession of it he took all such steps as were reasonably open to him to deliver it into the custody of such a person.

**S8: Occupiers etc. of Premises to be Punishable for Permitting Certain Activities to Take Place There.**

A person commits an offence if, being the occupier or concerned in the management of any premises, he knowingly permits or suffers any of the following activities to take place on those premises, that is to say—

(a) producing or attempting to produce a controlled drug in contravention of section 4(1) of this Act;

(b) supplying or attempting to supply a controlled drug to another in contravention of section 4(1) of this Act, or offering to supply a controlled drug to another in contravention of section 4(1);

(c) preparing opium for smoking;

(d) smoking cannabis, cannabis resin or prepared opium