



Irish Youth Justice Service

Seirbhís na hÉireann um Cheartas i leith an Aosa Óig

Drugs, Alcohol and Substance Use/Misuse Policy for Children Detention Schools

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FOREWORD

Substance misuse is the use of any drug or substance which can potentially lead to injury of the individual and/or society. This policy sets out, in writing, the framework within which the Children Detention Schools manage issues relating to substance use/misuse. It reflects the ethos of the Children Detention Schools and addresses procedures concerning usage of alcohol, tobacco and drugs/other substances by young people and the management of incidents relating to these substances.

SECTION 1. OBJECTIVES – DRUGS, ALCOHOL AND SUBSTANCE USE/MISUSE POLICY

The Board of Management of Oberstown Campus, The Irish Youth Justice Service and the Directors and staff of the Children Detention Schools recognise that dealing appropriately with the issue of drugs and substance use/misuse is an important priority in view of our collective responsibility to all children in the care of the schools, and society as a whole.

KEY OBJECTIVES

1. Maintain a drug free environment

A key objective of this policy is to keep the Children Detention Schools drug/alcohol-free and free of substance use/misuse. We will work with the children, through education and therapeutic interventions, to empower them to make appropriate and positive life choices. Through these interventions, a key concern is to help address some of the issues underlying vulnerability to addiction, such as marginalisation. We recognise that these marginalised young people have a particularly high risk of involvement themselves in drugs and substance use/misuse, prior to detention and/or have a higher chance of subsequent involvement, after their release back into the community.

2. Provide appropriate counselling and medical services

A second key objective is in respect of young people actively involved in drug and substance use/misuse, prior to admission, and with latent dependencies. Every effort will be made to provide access to counselling and medical services, within the resources allocated, to such children. We recognise that some of the young people may have extreme physical and psychological dependency on certain drugs/substances and appropriate support from the schools will afford the children an opportunity to break the cycle and to receive help in carrying through any positive life altering decisions made. We recognise that the impetus for change must be fostered and must come from the young people themselves.

Individual programmes of care for each child will actively reflect these two key objectives.

SECTION 2. HEALTH, WELFARE AND REHABILITATION

2.1 Detoxification

The Children Detention Schools: Oberstown Boys School, Oberstown Girls School, Trinity House School, are not drug treatment centres.

2.2 Medical Care

The concept of holistic care can only be realised through a unified interdisciplinary approach within the Children Detention Schools. The young person will be assessed by the medical team and treated if necessary. S/he will be treated symptomatically, for example, medication for nausea or stomach cramps may be prescribed, if necessary. Progress will be monitored by the multi-disciplinary team and recorded on the young person's daily log and the young person will be referred to appropriate medical services where necessary. Referral to a drug counsellor may be included as part of the programme of care for the young person.

2.3 Continued Care

The focus of care in the Children Detention Schools emphasises a child and family centred approach, therefore family involvement in the rehabilitation process is important. As the primary carers for children in detention schools all staff and management in the schools have a responsibility to ensure that families are aware of all available health services and informed adequately of treatments and procedures involving the young people in our care. Where additional issues exist and a young person needs additional support, counselling and supervision to overcome any potential psychological dependence on drugs and to redirect his/her life will be provided within available resources. Without this, the chance of relapse is high. Full support will be given to existing health care practices. However, where deficiencies are identified or improvements are felt needed, the advocacy role of management and staff, on behalf of the young people, is recognised, particularly in instances when the need for extra resources is identified.

2.4 Health and Welfare Education Programmes

The concept of holistic care can only be realised through the unified interdisciplinary approach within the Children Detention Schools. Therefore, the application of health education policies that commonly affect the young person, in detention, are of great importance. The issues of smoking, drug abuse, sexual health issues and health screening should be made apparent to the young person, where possible. As many of the young people in our care are emotionally vulnerable, particular care must be taken in the delivery of such information and treatment.

The multidisciplinary team can provide health education in both a formal and informal setting and in collaboration with those working in both detention and care settings. Family involvement, through keyworkers and staff from the schools, involves working with parents and families of offenders. Parenting programmes should be considered, where possible, either in-house or in an outreach manner.

SECTION 3. EDUCATION, TRAINING AND INFORMATION IN RELATION TO SUBSTANCE USE/MISUSE.

This document is an important resource for staff, children and parents/guardians/visitors in relation to the Children Detention Schools' policy regarding substance and drug use. Schools should also display appropriate notices in line with current legislation. Other initiatives, in

particular training and education will form part of the collective approach to be taken across the service so as to raise awareness among all relevant parties about the risks of substance/drug use and the harm it causes. The following pointers are of particular importance to the relevant cohorts:

3.1 Children/Young People

- (a) Formal education to be conducted by trained personnel.
- (b) Education and training to be conducted in a respectful/sensitive manner.
- (c) Staff to be cautious that drug awareness education does not advertise the illicit substances it is intended to discourage.
- (d) Materials (e.g. posters, DVDs, CDs etc.) that portray substance misuse in a positive light should be actively discouraged by the staff and management of the schools.
- (e) Educator/trainer/programme co-ordinator should be sensitive to the young person's background, i.e. should be aware that the client and his/her family and wider community could have a long history of substance misuse.
- (f) Education programmes should be tailored to the individual young person.
- (g) Offending Programmes may be offered in schools involving paths to offending, reasons for offending and anger management.

3.2 Staff

Drug awareness and training is desirable in order to create a whole-school anti-drug atmosphere/approach/ethos and should emphasise the safety of the young people, staff and visitors of the schools.

Training should inform staff about:

- (a) The illicit substances themselves.
- (b) How to spot signs of intoxication.
- (c) How to properly take and read urine analysis samples.
- (d) How to deal with a drug-related incident.

3.3 Drug Awareness Education – Parents / Guardians

Parents need to be informed of the substance misuse policy across the schools, especially those aspects pertaining to:

- (a) Visits - the supply of an illicit substance to a child/unit and the sanctions involved.
- (b) The extent of the measures of protection for their child against drugs by the schools.
- (c) Sanctions that may be imposed on their child for drug-related incidents.
- (d) The available anti-drug programmes on offer.
- (e) Parenting programmes which may be offered in schools.

Drug awareness education should be made available to parents/guardians including:

- (a) Information about the substances their child may be misusing.
- (b) How they can spot signs of intoxication in their child.
- (c) How and where to get help if necessary.

3.4 Drug awareness education in the schools' education centres

Drug awareness may be taught in the education centres within the schools and this should complement the work elsewhere in the schools. FETAC modules at level 3 may be offered in health related fitness. The learner is encouraged to demonstrate an ability to integrate healthy lifestyle patterns into their own lives.

A curriculum framework is being developed for children in care or detention and healthy living skills are linked with literacy, numeracy, personal and interpersonal skills among other elements in the curriculum and it is hoped that drugs awareness will become a more important element of the framework when the new framework and guidelines are completed.

SECTION 4. PROGRAMMES of CARE FOR CHILDREN

Programmes of Care are an essential element for dealing with drugs and drug related behaviour among young people in the schools. The following key points apply to such programmes:

- (a) Programmes should be based on a needs assessment.
- (b) Programmes should be tailored to each individual child.
- (c) Programmes should be within the context of an anti-drug school ethos.
- (d) The programme should be continuously reviewed and researched where possible in order to provide the best possible standard of service to the children. Children undergoing the programmes should also be consulted to provide feedback.
- (e) Programmes should include but not be exclusively based on drug awareness education.
- (f) Access to medical and counselling services should be provided as necessary.
- (g) The aim of a substance misuse programme should be to encourage the client to make positive choices around his/her substance misuse, and take responsibility/ownership for their substance misuse behaviour.

SECTION 5. SEARCHES AND DRUGS TESTING

5.1 Searching and Testing Policy

Due to the secure nature of children detentions schools, legislation and in view of the risks involved to children, staff and others, great care shall be taken that unauthorised medicines, drugs, substances or associated paraphernalia are not brought into the schools. Searches and testing are therefore a necessary part of the day to day management of the schools in the interest of the safety and security of the children detained.

It is essential that drugs tests and searches are conducted in a fair and sensitive manner. The drug testing procedure, as currently undertaken, also has useful procedural and deterrent value. It is acknowledged however, that such procedures are constrained by the circumstances pertaining to each individual search/test and are not foolproof.

5.2. Protocols and Procedures for searches/tests

Searches/drug tests are conducted in a sensitive manner. Two members of staff, who will be of the same gender as the child, where possible, must be present. In limited cases, such as an emergency situation where staff members of the same gender as the child are not available, searches/drug tests may be conducted by staff members of the opposite gender.

Searches must always take place in private and should occur in a designated room suitable for its purpose e.g. a clean bathroom or purpose built room.

The bathroom/testing area is always searched and cleared of all people prior to the procedure and any potentially harmful objects removed.

- (a) Search/drug testing procedures should be explained to the young person on admission, who will be asked for his/her consent. Staff should minimise the impact of the search/test by explaining the reasons and by detailing exactly what is expected.
- (b) Search/drugs testing procedures should be explained to a parent/guardian at the first available opportunity.
- (c) The search procedure/drug testing should be postponed if the young person is distressed or refusing to co-operate. When staff have deemed that the young person is no longer distressed, they should attempt to again explain the search/drug testing procedures, trying at all times to minimise the impact of the search/drugs testing procedures by explaining the reasons and by detailing exactly what is expected (see also Section 5.8 below).
- (d) Absolute privacy of the child is to be maintained at all times during search procedure/drug testing. At no stage during the search is the young person naked. Staff will do all in their power to protect the dignity of the young person in order to avoid the search/test being a humiliating experience. Particular care must be taken in the limited cases where staff of the opposite gender to the child may be partaking in the search/drug testing procedure.
- (e) Staff conducting the search/test should greet the young person upon their arrival and remain with them until the procedure is completed and they are admitted to their unit.
- (f) No young person should be searched / tested in the presence of another young person.

5.3 Full search

Generally, after all visits, home leave, court appearances, or abscond a young person will undergo a full search. This is done in the presence of two members of care staff. A full search will be conducted on a child by a staff member of the same gender only. A robe or towel is provided to the young person to cover themselves while they remove all clothing (including underwear) trainers and caps which are then searched.

5.4 Pat down

This involves a quick pat down of a young person. He/ she turns out their pockets and footwear which are checked for contraband items.

5.5 Room search

Room searches are carried out regularly and randomly. These include all rooms. There are no set timetables regarding when searches happen. Such searches are an integral part of each unit's routine, under the overall direction of the management team of the schools.

5.6. Drugs Test procedures

To conduct a drugs test a young person enters the toilet area alone and the staff member remains outside the door. The young person presents the urine sample to the staff member. The staff member judges the authenticity of the sample and if the sample is believed to be invalid they may be asked to provide another. A young person will be expected to provide a sample at the first available opportunity, following a request. This will be within 24 hours, but generally within a shorter period.

5.7 Instances when search/testing procedures will generally be implemented

- (a) On Admission /Return from an Abscond or Home Leave or other absences e.g. unsupervised mobility trips (Search and Test)
- (b) Prior to release or Home Leave or unsupervised mobility trips (Search and Test)
- (c) Before and after a child is in the custody of An Garda Síochána and before and after a child is escorted to Court (Search and Test)
- (d) Where there is information that contraband may be present. (Search)

- (e) Where there is suspicion that drug use has taken place. (Test)

5.8 Instances where decision to search/test may be suspended

- (a) In very extreme circumstances a decision not to search/test or to postpone such a procedure may be sanctioned by the on-call manager or higher.
- (b) After a reasonable period of drug free constancy by the young person, a decision may be taken to suspend certain search procedures. Such a decision should be made at the case review stage. This is particularly relevant as part of a step down programme.
- (c) Young people in the committal units who participate in unsupervised, off-campus work programmes/excursions may be re-admitted according to agreement without searching/testing having regard to the overall policy of the management team of the school with the agreement of the child's keyworker, staff team and unit manager.

5.9 Failure to comply with searching and/or drugs testing procedure

Failure to comply will have implications for the young person and parts of programmes such as his/her home leave, work or other outings. Any sanctions should be appropriate and proportional. The following are key issues around this.

- (a) Staff should be mindful that the safety of the young person, other young persons and staff are paramount.
- (b) The young person cannot be forced to go through the procedure and it is imperative that the rights and dignity of the young person are maintained.
- (c) The rationale for the procedure and the consequences of refusal to comply should be explained in child appropriate language.
- (d) Staff should engage with the young person to ascertain their concerns and reasons for refusal e.g. anxiety on admission or bullying of children may be present.
- (e) Staff should endeavour to alleviate these concerns and respond to reasons for refusal.
- (f) In the interest of safety, the young person should not have contact with his/her peer group until safe to do so.
- (g) Staff should repeatedly attempt to engage with the young person to avoid a protracted impasse.
- (h) The on-call manager should be consulted and each refusal should be clearly recorded.

5.10 Drugs/Illicit Substances: Discovery and/or child showing signs of being under the influence

These procedures apply where it is felt a young person has taken non-prescribed medication/drugs or is believed to be under the influence of illicit substances.

- (a) Isolate the young person from the group.
- (b) Explain to the young person in accessible language the procedures and steps to be followed.
- (c) Test and possible re-testing of young person's urine sample to establish the nature of the drugs.
- (d) Follow search procedures including further searching of units, communal areas etc., as appropriate.
- (e) Confiscate and hold any substances found securely and comply with legal obligations.
- (f) Inform Management. Seek medical attention from a doctor/nurse where appropriate (in consultation with Unit Manager/Duty Manager) Appropriate information about incident given to unit staff and other workers/schools in a timely fashion, if appropriate.
- (g) Where a young person is under the influence of a substance and, where the medical advice is that hospitalisation is necessary, this decision is made in conjunction with the

Director or Deputy Director. In an emergency the unit manager may telephone the required services ahead of the stated protocol being followed in order to maintain the safety of the young person involved.

- (h) The young person is to be placed under constant observations until such time as it is deemed appropriate for the return to normal supervision. This will be decided by the staff team in consultation with the Unit Manager / Duty Manager.
- (i) The Director / Deputy Director will be informed at the earliest opportunity in keeping with good practice and the school's policy and procedures.
- (j) Log incident, comply with the terms of the serious incident policy and legal responsibilities.
- (k) A young person's programme of care will be reviewed in consultation with the staff team and the Unit Manager/Duty Manager and appropriate nursing/medical advice, which will ensure the young person's safety and well being. An integral part of this programme will involve education and information on drug awareness and harm reduction.
- (l) Reintegrate young person into the group where search/test proves negative.

SECTION 6. OBLIGATIONS and AUTHORITY OF SCHOOLS IN RELATION TO ILLICIT SUBSTANCES

6.1 Drug Free Environment

It is a key objective of all Children Detention Schools to maintain a drug free environment. In addition to the physical and educational preventative measures taken to achieve this objective, it is an offence subject to heavy penalties to bring drugs into a Children Detention School.

6.2 The Law

The Misuse of Drugs Act 1977, as amended by the Criminal Justice Act 2006, provides that a person is guilty of an offence where that person: conveys a controlled drug into a Children Detention School or remand centre or to a person within a school or centre;

- (a) places a controlled drug in any place inside or outside a Children Detention School or remand centre with intent that it come into the possession of someone in that school or centre;
- (b) throws or projects a controlled drug into a Children Detention School or remand centre; or
- (c) is in possession of a controlled drug in the vicinity of a Children Detention School or remand centre with intent to commit one of the above offences.

These offences are liable to a fine or to imprisonment for up to 10 years, irrespective of the quantity of the drugs concerned.

6.3 Children Detention School Policy

Given the seriousness of the offences and importance of the need to prevent drugs from entering a Children Detention School, every incidence of drugs being brought or thrown into or placed within a school will be brought to the attention of the Gardaí.

6.4 Steps to be taken

- (1) If any person, other than a young person detained or remanded in the Children Detention School, is observed or reasonably suspected to be in possession of drugs within the school, an authorised staff member, in the presence of at least one other member of staff:
 - (a) may confiscate, or attempt to confiscate, the drugs

- (b) may exclude the person from the school at the discretion of the Director
 - (c) will notify Gardaí of the incident
- (2) If a young person detained or remanded in the Children Detention School is observed or reasonably suspected to be in the possession of drugs within the school, an authorised member of staff, in the presence of at least one other member of staff:
- (a) may search the young person
 - (b) may confiscate, or attempt to confiscate, the drugs
 - (c) may separate the young person from his or her peers and follow the steps outlined in paragraph 5.10 of this policy
- (3) Details of the type and quantity of any controlled drugs confiscated and the circumstances of its confiscation, including staff present, will be recorded. The drugs will be placed in a secure location until such time as they are surrendered to the Gardaí, or, on the instruction of the Gardaí, destroyed in the presence of at least two members of staff. The surrender or destruction will be recorded.

6.5 Alcohol and other prescribed items

The Children Act 2001 (sec. 219) makes it an offence to bring alcohol or any other prescribed items¹ into a Children Detention School, subject to a fine or 2 months imprisonment.

- (1) Where any person, other than a young person detained or remanded in the Children Detention School, is observed bringing alcohol or another prescribed item into the school, a member of staff:
- i) May confiscate, or attempt to confiscate, the alcohol or prescribed item
 - ii) May exclude that person from the school, at the discretion of the Director
 - iii) May, at the discretion of the Director, notify the Gardaí of the incident.
- (2) Where a young person detained or remanded in the Children Detention School is observed bringing alcohol or another prescribed item into the school, or is found in possession of such an item, a member of staff:
- i) May confiscate, or attempt to confiscate, the alcohol or prescribed item
 - ii) May take any other actions which the Director deems appropriate including notifying the Gardaí of the incident.

6.6 Information

Children, parents and other visitors to a Children Detention School will be clearly informed of the seriousness and consequences of the offence of bringing drugs into a Children Detention School or remand centre and the serious harm which can be caused to the young person concerned and other young people in the school. They will also be informed as per legislation that the Children Detention School will notify the Gardaí of every such incident, irrespective of the quantity of drugs involved.

6.7 Reporting

Any incident involving a person found in the possession of drugs will be considered to be a serious incident and graded, recorded and reported as such under the Notifiable Incident Procedures for Children Detention Schools.

¹ Prescribed means prescribed by regulations made by the Minister. To date, no regulations have been made.

SECTION 7. REVIEW OF POLICY

This Policy, as agreed by the Oberstown Board of Management, is aimed at improving care practice, safety and security and complements other policies such as the medication policy² and notifiable incident policy³.

The operation of this policy will be reviewed twelve months after its implementation. A progress report will be put together by the policy group and any recommendations for changes or improvements considered by the Board of Management.

SECTION 8. ACKNOWLEDGMENT

The Board of Management would like to thank all participants in the original working group which included representatives from IYJS, the Children Detention Schools and Teachers from the Oberstown Education Centre.

SECTION 9. DEFINITIONS

This policy deals with issues around substances that can be misused including drugs, alcohol and certain other products. The following definitions apply:

Substance	Definition
Over the Counter Medicines and Medical Products	'Over the counter' medicines and medical products are those that can be purchased without prescription in a shop or pharmacy.
Prescription Medicines and Medical Products	Prescription medicines and medical products are those that require a valid and legible prescription by a doctor, to be presented to the pharmacist before they can be dispensed.
Scheduled/ Controlled Drugs	Controlled drugs (sometimes referred to MDAs) are those regulated by the Misuse of Drugs Act 1977 and 1987 and the Misuse of Drugs Regulations 1988, 1993 and 2007.
Illicit Substances	Defined as harmful/potentially harmful mood-altering substances, either legal (controlled or freely available) or illegal. Examples include inhalants, hypnotics, solvents, alcohol, tobacco, drugs and medicines.

² CDS Medication Policy <http://www.iyjs.ie/en/IYJS/Medication%20Policy.pdf/Files/Medication%20Policy.pdf>

³ CDS Notifiable Incident Policy

<http://www.iyjs.ie/en/IYJS/Notifiable%20Incident%20Policy%20Aug%202010.pdf/Files/Notifiable%20Incident%20Policy%20Aug%202010.pdf>