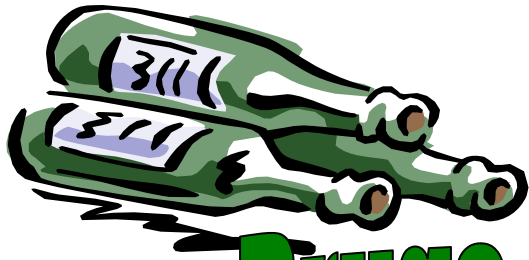




National Federation of Young Farmers' Clubs



Drugs & Alcohol

Guidance for Counties



produced by NFYFC

Revised September 2003 – Ref: 106-03-A

DRUG & ALCOHOL USE

INTRODUCTION

To enable the adoption of this policy staff, management committees and all those in a position of responsibility should be aware and receive training on drug and alcohol issues. YFC Members must also be aware of the policy and receive drug and alcohol information/support, if needed. Local young peoples drug and alcohol services should be advertised to them.

The following guidelines should be adhered to:

- *Explaining to and educating staff and service users about the drug and alcohol policy.*
- *The display of notices clarifying the organisational drug and alcohol policy.*
- *Offering support and information about drug and alcohol effects, and local service provision.*
- *Offer assistance in referring to drug and alcohol treatment services.*
- *Supervision of communal areas of the premises as far as it is reasonably possible.*
- *Arranging the lay-out of the building to ensure that the entrance is always observable and that the accommodation being used is fit for purpose in providing a safe environment for all YFC personnel.*



It is essential to adopt a drug and alcohol policy that has been agreed by all relevant organisations eg Drug Action Team (DAT), Police and other youth organisations within the County. Developing partnerships can benefit in terms of helping to develop the drug and alcohol policy, involvement in local strategies, joint work/training and local agreements.

NFYFC POLICY STATEMENT ON DRUG USE

1. NFYFC policy on standards of personal behaviour in YFC (Paper No.20-03-A) recommends banning of members in circumstances where they are proven to be abusing other members, members of the public, or property. In circumstances where YFC members are proven to be taking/abusing drugs, we need to be very careful with our actions being aware that, in many cases, the individual is abusing themselves and requires YFC's support rather than ostracising.
2. The misuse of drugs by young people is to be discouraged. However, it is a fact of life in our present day society and NFYFC needs to recognise:-
 - (a) That illegal use of drugs includes supply and consumption of legal drugs, such as alcohol to under 18's, as well as cannabis and ecstasy. (Please refer to the Licensing Act 1964 and Licensing (Young Persons) Act 2000)
 - (b) Issues concerning drug use, misuse and their social context must be included in YFC programmes.
 - (c) Drug misuse should be addressed wherever possible through reducing the risk to the individuals, not purely through knee-jerk reactions to an illegal activity.

Two conflicting examples:-

- (i) *How many under 18-year olds have you thrown out of YFC for consuming alcohol in licensed premises?*
- (ii) *Glue sniffing is not actually illegal*

3. LEGAL AND PROFESSIONAL OBLIGATIONS

- (a) Immediate action should be taken to stop the following activities at an YFC event:-
 - (i) *Smoking Cannabis.*
 - (ii) *Illegal supply or consumption of drugs, including alcohol to under 18's.*

- (b) These activities, if allowed to take place, put the leader/worker in charge at risk of prosecution under the "Misuse of Drugs Act" or the licensing laws, only if he/she "knowingly permits" it to occur and takes no action to stop it.
- (c) Simply knowing about a young person's use or possession of drugs may not, in itself, render a leader/worker liable to prosecution. Under the "Police and Criminal Evidence Act" there is no obligation to pass on information about drug possession or misuse to the police as long as the leader/worker does not actively aid and abet or obstruct the police by hiding drugs.
- (d) A refusal to answer police questions may amount to an obstruction of the police in the course of their duty, which is a criminal offence.
- (e) Any illegal drugs found should be destroyed or given to the police without delay.

4. **WHAT TO DO**

- (a) Where a young person is found to be using or in possession of drugs at a YFC event they should be asked to stop and the drugs destroyed.
- (b) If this continues they should be asked to leave

It is necessary to differentiate between persistent breach of policy and first time policy breaches.

The following measures could form the next set of actions if you have not succeeded in preventing prohibited drug activity:

- *Recording warnings, sanctions and directions to stop supply or use on premises in an incident book, and ensuring that these measures are enforced. (refer to appendix 2 and 3)*
- *The temporary banning of people repeatedly breaching the drug policy.*
- *Reviewing the use of premises for YFC events*

The following actions should only need to be taken in extreme cases if all else has failed:

- *Calling the police to remove banned people from premises.*
- *Passing the names of people known or suspected of supplying drugs, to the police.*
- *Temporary closure of the project.*
- *Considering alterations to the building.*

- (c) Where a young person is proven to be dealing drugs at a YFC event, there should be a recommended life ban from YFC membership.
- (d) Young people should be made aware that where drugs are supplied at a YFC event, the police may be involved. This decision should be taken by the leader/worker in charge and the County staff member/Management Committee.
- (e) Where a young person is proven to be persistently using or in possession of drugs at YFC events, there should be a recommended one-year ban.

As a follow-up course of action you could:

- *Point out that it should not occur at YFC events and why*
- *Provide information about the effects of drugs*
- *Help them access support services*
- *Encourage them to discuss their problems with their parents or care workers*

An incident report and recording and reporting form can be found in appendix 2 and 3

5. **SEARCHING YOUNG PEOPLE: CONFISCATING DRUGS**

- (a) Leaders/workers do not have the legal power of a search. They can, however, ask a person to turn out their pockets whilst in the presence of a second leader/worker.

- (b) It is quite acceptable to make a consenting search a condition of entry to all at an event and make it clear that it is not discriminatory.
- (c) In the case of a young person who is in possession of small amounts of drugs for his or her own use, the leader/worker may
- (d) Receive the illegal drug from the person with the intention of giving to the police or destroying. Any controlled drug can be handed over to the police for disposal, it is also possible for you to destroy the drug yourself; in either case this must be conducted without delay and should be witnessed and recorded. Agreement should be made with local police on what route of disposal is used.
- (e) When a drug is handed over by a young person, and if it is retained, it should be put in a sealed envelope and put in a secure place. Under no circumstances should it be kept on the person or the leader/worker, or removed from the premises unless to take to the police station.

6. **CONFIDENTIALITY AND SUPPORT**

- (a) Leaders/workers may maintain confidentiality and are not obliged to inform medical personnel, police, line managers or parents in the following circumstances:-
 - (i) *When a leader/worker learns that a young person has used illegal drugs.*
 - (ii) *When a leader/worker observes a young person in possession of illegal drugs.*

When working with under 18's and there is an indication of serious risk to health through repeated use of alcohol, solvents or an illegal drug, parents should be contacted. However, in cases where it is judged that family relationships may be an important contributory factor to drug abuse, or where it is suspected that contact with the family may not be beneficial to the welfare of the young person concerned, the situation should be discussed with a professional worker eg your Area Child Protection Committee or Child Care Unit within Social Services before any decision to contact parents is taken.

IN ALL CASES, the leader/worker should first negotiate any such contact with the young person concerned, with a view that it may be done on his or her terms. If a leader/worker considers that there is a "significant risk of harm," information can be disclosed without consent to the social services, police, NSPCC or parents in order to protect the child. But working with the young person to make this disclosure is advised, where possible.

The SCODA/Children's Legal Centre document Young People and Drugs (1999) identifies four factors to consider for disclosure regarding drug use:

- (i) *The age and maturity of the child*
- (ii) *The degree of seriousness of the drug misuse*
- (iii) *Whether harm or risk is continuing or increasing*
- (iv) *General context in which drug use is set.*

(Please refer to your Child Protection policy for further disclosure details)

- (b) In the case of a known drug/alcohol user, ongoing support should be offered to the young person concerned and referral to another agency should be negotiated.
- (c) For guidance, support, and links to appropriate agencies, it is strongly recommended that YFC County Federations develop a partnership with their County Youth Service, Connexions Partnership and Area Child Protection Committee.

7. **COMPLAINTS**

A young person should be able to complain against a decision where they do not feel it is justified through the complaints procedure and made aware of this.

YFC POLICY STATEMENT ON ALCOHOL USE

YFC, by the nature of working with young people, operates in an environment in which those young people will want to experiment with alcohol. We recognise that, as an organisation with a mixed age group (10 to 26) there is a responsibility placed upon older members and YFC helpers / supporters to ensure that, as responsible individuals and as an organisation, we operate within the law in regard to the sale and consumption of alcohol.

The Licensing Laws are as follows:

8. ADDITIONAL FACTS RELATING TO ALCOHOL CONSUMPTION AND LICENSING LAWS

Age	Law
under 14	may not be present in the bar of licensed premises unless accompanied by a person over 18, it is before 9pm, and a children's certificate relating to the bar is in force
14+	may be in the bar of licensed premises during permitted hours
16+	may purchase beer, porter, cider or perry with a meal in an eating area on licensed premises. In Scotland wine can also be bought
under 18	may not purchase or be supplied with or consume alcohol in a bar
under 18	may not purchase alcohol from an off-license, supermarket or wholesaler
under 18	may not be employed in a bar of licensed premises
any age	may be present in registered private members' clubs

Extracts taken from the Licensing Act 1964 and Licensing (Young Persons) Act 2000

169A.

- (1) A person shall be guilty of an offence if, in licensed premises, he sells intoxicating liquor to a person under eighteen.
- (2) It is a defence for a person charged with an offence under subsection (1) of this section, where he is charged by reason of his own act, to prove that he had no reason to suspect that the person was under eighteen.
- (3) It is a defence for a person charged with an offence under subsection (1) of this section, where he is charged by reason of the act or default of some other person, to prove that he exercised all due diligence to avoid the commission of an offence under that subsection.

169C.

- (1) A person under eighteen shall be guilty of an offence if, in licensed premises, he buys or attempts to buy intoxicating liquor.
- (2) A person shall be guilty of an offence if, in licensed premises, he buys or attempts to buy intoxicating liquor on behalf of a person under eighteen.
- (3) A person shall be guilty of an offence if he buys or attempts to buy intoxicating liquor for consumption in a bar in licensed premises by a person under eighteen.
- (4) It is a defence for a person charged with an offence under subsection (2) or (3) of this section to prove that he had no reason to suspect that the person was under eighteen.
- (5) Subsections (1) and (2) of this section have effect subject to section 169D of this Act.

Exception to the section 169A-C offences.

169D. Sections 169A(1), 169B(1), and 169C(1) and (2) of this Act do not apply where

- (a) the person under eighteen has attained the age of sixteen,
- (b) the intoxicating liquor in question is beer, porter or cider, and
- (c) its sale or purchase is for consumption at a meal in a part of the licensed premises which is not a bar and is usually set apart for the service of meals.

<http://www.hms0.gov.uk/acts/acts2000/20000030.htm>

9. BEHAVIOUR AT YFC EVENTS WITH REGARD TO ALCOHOL CONSUMPTION

Well-organised events will be enjoyed and remembered by many. Badly organised, they will be remembered by many but for all the wrong reasons.

REMEMBER - when organising an event the old adage holds true: 'if anything can go wrong, it usually will'. However, adequate planning and organisation can go a long way to ensuring the success of your event.

At YFC events where alcohol will be present it is good practice that before entering the event all attendees are given a coloured wristband according to whether they are aged under 18 or 18 and over. This will help bar staff identify who they can and cannot serve. It should be remembered that it is illegal not just to sell alcohol to young people under the age of 18, but also to allow their consumption of alcohol, except in certain circumstances (see table above). Where these circumstances DO NOT APPLY at the YFC event, then the following course of action is to be taken:

- (a) consider making the event exclusive to one to which members aged 18 or over only are invited; or
- (b) identify a responsible person from each YFC Club to take responsibility for their Club members under the age of 18 at the event, and in particular to ensure that no alcoholic drinks are consumed. In pursuing this option, it is recommended that the form in Appendix 1 is completed to ensure that, as an organisation, we are doing everything within our powers to ensure the welfare of YFC members and uphold the law in respect of alcohol consumption.

Posters should be put up in the area stating under age drinking and the use of drugs will not be tolerated. A copy of the policy should be displayed at the entrance to the event.

Prior to an event it may be possible to have the bar in a separate room or fenced off. In this case members are checked before they enter the area by a member of staff and members may not take alcoholic drinks out of that area. A separate soft drinks area would be set up.

It is possible that, due to the youthfulness of YFC members, some members may be tempted to over indulge on alcohol at a YFC event. Although individuals are responsible for their own actions, YFC cannot abdicate its responsibilities in respect of duty of care to its members in such circumstances. The following actions are therefore strongly recommended at YFC events where alcohol is served:

- (c) members who are clearly under the influence of alcohol should not be served further drinks;
- (d) a "cooling off" room or area should be provided, where members can sober up, be given water to drink etc;
- (d) friends/senior members of his/her YFC Club should assist the Steward on duty in monitoring the person concerned to ensure that they do not cause injury to themselves or to others whilst under the influence of alcohol.

10. WHO'S RESPONSIBILITY IS IT?

Workers do have responsibilities for the wellbeing of young people and young people are also responsible for themselves. Below is a *guideline* to ensure young people's safety.

Consent

Whether it be a club, county, area or national event, each child or young person under the age of 18 must have the written consent of his or her parent or guardian; this gives authority to the person named as responsible for the activity to take the young person away and to act "as a careful parent would". It does not transfer "parental responsibility".

Information and consent must be in writing. There is case law to show that parental consent given on the basis of being given inadequate or inaccurate information may well invalidate any consent which was given by a parent. If a parent was not fully conversant with all activities taking place and they would have objected to one of them you may be held liable for not giving all the details prior

to the event. On a positive note, the advantages of involving a parent in all aspects of a trip are many. Not least of all, it ensures that the parent is made aware of potential risks, draws them into sharing in that risk, and removes the opportunity for them to say, "if I had known" etc. (Learn.co.uk)

When a parental consent form is completed this means that you, as organiser, must act as a careful parent would.

At Club Level – when a young person (those under the age of 18) attends an activity connected with YFC it is the responsibility of the organisers of the event to ensure that procedures are in place to protect that young person. This can include health and safety risk assessments as well as ensuring that the necessary steps have been carried out to minimise the risk of underage drinking. For example coloured wristbands and signs displayed etc. If the trip is organised by the club chairman or relevant post holder (e.g. sport captain) then it is their responsibility to ensure the wellbeing of under 18 year olds until the young person is back in the responsibility of the parent.

At County Level – Again the organisers have the responsibility to ensure that all precautionary measures have been taken and they are responsible for their members.

At a National Level –If the Chairman is not present then a nominated person will resume responsibility. E.g. booking Officer at the annual AGM.

11. **EXCESSIVE BEHAVIOUR AT YFC EVENT**

It is possible that a participant at a YFC event may be under the influence of drugs and/or alcohol and this may result in disruptive behaviour that could be detrimental to him / herself and possibly other YFC members. In such instances it may be most appropriate to remove the individual from the event itself in the interests of their own and others' safety.

Appropriate action in this instance may be to arrange for the YFC member to be escorted home, or the parents may be called to collect.

12. **PAID YFC EMPLOYEES AND DRUGS AND ALCOHOL USE**

No paid member of staff should perform their duties at any YFC event under the influence of drugs or alcohol. Evidence of such action occurring should be dealt with under the Disciplinary Procedure, and the action taken by the employer will need to reflect the circumstances of the occurrence, the impact on YFC members and the reputation of the organisation.

Similarly any paid member of staff found to be supplying drugs to YFC members, or allowing the purchase and / or consumption of alcohol by members under the legal age limit for such activity, will be subject to the Disciplinary Procedure.

13. **STEWARDS AT YFC EVENTS**

The success of YFC is due to many ex-members continuing to support the organisation and members' activities by stewarding at various events. It is important to recognise that stewards acting in this capacity provide a valuable role model for influential young people and as such their behaviour on these occasions will have an impact on the behaviour of younger YFC members.

No steward should be "on duty" under the influence of drugs or alcohol and should not attempt to supply drugs to YFC members, or to encourage members under the age of 18 to purchase or consume alcohol, except where it is legally acceptable to do so. Any Steward found behaving in this way should be removed from duty immediately and their deployment at future events considered, by the appropriate Management Committee, in the light of the reasons for such behaviour occurring. For further guidance, please refer to 108-03-A Guidelines for Chief Stewards.

14. **Further Information and Sources of Help.**

Further information can be obtained through the following:

DrugScope 32 - 36 Loman Street London SE1 0EE Tel: 020 7928 1211 Fax: 020 7928 1771 www.drugscope.org.uk	Alcohol Concern Waterbridge House 32-36 Loman Street London SE1 0EE Tel: 020 7928 7377 Fax :020 7928 4644 www.alcoholconcern.org.uk
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This drugs policy has been updated with the advice and recommendation from Drugscope.

At a local level, your County Youth Service, Council for Voluntary Youth Services, Connexions Partnership, Council for Voluntary Service or Rural Community Council should be able to advise you on local sources of help, advice and training in developing and implementing this policy in your YFC.

NFYFC SUPERVISION OF YFC MEMBERS UNDER THE AGE OF 18

Event: **Date of Event:**

Venue:

The Licensing Act 1964 prohibits the sale and supply of alcohol to persons under the age of 18. *(The only exception to this ruling is the sale of beer, porter or cider for consumption by 16 / 17 year olds with a meal in an area usually set aside for the provision of meals and is not a bar).*

NFYFC is committed to upholding the law and promoting the safe consumption of alcohol. Consequently, it will be a condition of entry to this event that the arrangements put in place to prevent consumption of alcohol by under age members are adhered to.

NFYFC welcomes the involvement of all members in its activities and will operate a system of supervision for members under the age of 18 at its events. Such supervision will take the form of a member over the age of 18 taking responsibility for the safety and welfare of the under 18 member. In order to effect such supervision, we will need to clearly identify both the under 18 member and the responsible person.

FULL NAME OF MEMBER UNDER 18 YEARS OF AGE ON THE DATE OF THIS EVENT

.....

ADDRESS.....

.....

YFC MEMBERSHIP NO DATE OF BIRTH AGE AT THIS EVENT

HAS THE PARENTAL CONSENT FORM BEEN SIGNED AND SEEN? YES / NO

(Please note that there will be no admittance to this event unless the parental consent form has been seen)

NAME OF RESPONSIBLE PERSON

ADDRESS

.....

RELATIONSHIP TO UNDER 18 MEMBER(e.g. brother/sister, Club Chairman, Club Leader)

YFC MEMBERSHIP NUMBER

CONTACT DETAILS FOR RESPONSIBLE PERSON DURING THE EVENT

ACCOMMODATION (HOTEL) DETAILS (IF RELEVANT)

.....

TEL NO: MOBILE:

I, *(insert name)* **agree to take responsibility for**

..... *(insert name)* **at this event organised by** **YFC and will ensure that the terms of the Licensing Act in respect of the sale and supply of alcohol to people under the age of 18 are adhered to.**

Signature

Date

INCIDENT REPORT FORM

Date: **Time:**

Location:.....

Persons

Involved:.....

.....

Description of incident:-

- a) Events leading to the incident
- b) The incident itself
- c) The outcome, describe any damage or injuries

Note: In the event of an accident resulting in death or serious injury the site of the accident, if practicable, should be cordoned off and any equipment left in situ. If practicable photograph the scene.

Signed..... **Date**.....

Action taken by Leader in Charge

Signed: **Date:**

APPENDIX 3: Model recording and reporting form

MODEL RECORDING AND REPORTING FORM – DRUGS RELATED INCIDENT

Record of Drug-related Situation (Tick one or more of these to indicate category)

Emergency / intoxication	Suspicion OFF premises	Suspicion ON premises	Discovery OFF premises	Discovery ON premises	Disclosure by young person	Parental use	Parent/carer expressed concern
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Name of young person:	
Date of incident:	Time of incident:
Report Form completed by:	

First Aid Given?	YES	NO
If yes First Aid given by:		
Ambulance/Doctor called?	YES	NO
If yes called by:		
At – state time:		
Drug involved (if known)		
Sample found?	YES	NO
Where retained/or Destroyed at time:		
Witness name:		
Senior staff involved:		
Parent/carer informed by:		
At – state time:		
Brief description of Symptoms / situation:		
Other action taken, e.g. Other agencies involved, pupils / staff informed, sanctions imposed, GP / Police consulted about drug:		

Source: *the Right Responses, Managing and Making policy for drug-related incidents in schools. SCODA 1999/Dorset Youth Service*