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AIDS HELPLINE: 0800-0123-22 Prevention is the cure

GENERAL NOTICE

NOTICE 3427 OF 2002

DEPARTMENT OF EDUCATION

PROMULGATION OF NATIONAL POLICY ON THE MANAGEMENT OF DRUG ABUSE BY LEARNERS IN PUBLIC AND INDEPENDENT SCHOOLS AND FURTHER EDUCATION AND TRAINING INSTITUTIONS

I, Kader Asmal, as Minister of Education, after consultation with the council of education ministers, hereby gives notice in terms of the National Education Policy Act, (Act 27 of 1996), section 3(4) (N) promulgate National Policy on the Management of Drug Abuse by Learners in Public and Independent Schools and Further Education and Training Institutions as contained in the schedule herunder.

PROFESSOR, KADER ASMAL, MP
MINISTER OF EDUCATION

Policy Framework For The Management Of Drug Abuse By Learners In Schools And In Public Further Education And Training Institutions

Introduction

1. This policy is in response to a decision by the Council of Education Ministers to increase the capacity of educational institutions to manage drug abuse by learners, on a nationally consistent basis. It is being developed in the context of our increasing understanding of drug usage in schools.
2. The Ministry of Education considers a safe and disciplined learning environment one of the critical elements to the successful delivery of quality education and recognizes the role played by drugs in seriously undermining this.
3. The Ministry differentiates between habitual abuse of drugs and drug dealing, which should be condemned and punished, and experimentation or peer-group led abuse which should be dealt with in the context of restorative justice.
4. Studies on drug usage in the country point to an increase in drug abuse across all communities, irrespective of wealth, although usage rates and drugs of choice vary between communities, based on access and cost. Evidence indicates that school communities are particularly vulnerable and drug use by learners is on the increase in both rural and urban schools, including primary schools. These reports also indicate a high correlation between drug abuse and other anti-social and high-risk behaviour typical of countercultures such as violence, sexual violence, gangsterism and theft. Equally reports link drug abuse with prevalence levels of HIV/AIDS and hence early death.
5. This policy does not attempt to regulate drug use and abuse by educators, which is dealt with in the Educator's Employment Act (1998) which calls for mandatory dismissal for an educator found in possession of any intoxicating, illegal or stupefying substance while at work.
6. The key thrust of the policy is to help and support not only those learners who abuse drugs, but also the majority of learners and staff who do not use drugs but who may be affected by the usage of drugs by others, while assisting and supporting learners with a drug problem, as long as they are prepared to co-operate with educators and other professionals involved in the treatment and rehabilitation process.
7. It complements related policies and legislation on the control and management of drug abuse in schools, in particular the Regulations for Safety Measures at Public Schools, Government Gazette No. 22754 of 12 October 2001.
8. The Ministry believes that punitive approaches to drug abuse, while necessary, can only produce part of the solution, and takes the view that drug abuse is detrimental to humans on social, physical, emotional and psychological levels. It recognizes that drug use can result from experimentation and peer pressure, but also that misuse can lead to dependency, which is a primary, chronic and progressive health condition and essentially an issue of public health.
9. In recognition of the health and social underpinnings of drug abuse and dependency, it is the Ministry's intention not to condemn learners, but to ensure that those who require help for drug related problems are supported.
10. This policy framework therefore seeks to contribute towards effective prevention, management and treatment of drug use, misuse and dependency in public or independent schools and Further Education and Training Institutions. It is consistent with and complementary to the National Drug Master Plan 1999 - 2004 (Department of Welfare 1999) and has been formulated to give effect to the South African Constitution in

terms of its provision for the right to a basic education, the right not to be unfairly discriminated against, the right to life, the right to privacy as well as bodily and psychological integrity. These rights can, however not be misused to protect illegal and destructive behaviour, which undermines the learning process.

11. This policy takes cognizance of principles contained in various relevant instruments and policies such as the United Nations Convention on the Rights of the Child as well as the Guidelines for the Consideration of Governing Bodies in Adopting a Code of Conduct for Learners.
12. In all instances, it should be interpreted to ensure a supportive environment, ever mindful of the rights of learners and students with drug, abuse or dependency problems, as well as the rights of other learners, students, educators and members of the school community.

Guiding Principles

13. The possession, use or distribution of illegal drugs, and the inappropriate possession, use or distribution of legal drugs, including alcohol and tobacco, is prohibited in South African Schools and this message should be delivered clearly and consistently within our school communities.
14. It is the Ministry's intention that all South African schools should become tobacco, alcohol and illicit drug-free zones.
15. All learning institutions should have clear policies on both prevention and intervention, underpinned by a restorative supportive orientation. These policies and procedures should be clearly communicated and disseminated to the school community in a culturally appropriate and inclusive way and should give priority to:
 - a. Developing safe and supportive school environments that value human dignity and celebrate innocence;
 - b. Educating the entire school community regarding drugs and the abuse thereof;
 - c. Developing a range of responses, for managing drug related incidents within the school, taking into account confidentiality, the nature of the incident, the circumstances of the learners involved, and the needs and safety of the school community;
 - d. Building capacity by giving educators, particularly those working with drug related incidents, access to professional development opportunities, provided by Provincial Departments of Education, other government departments or private providers;
 - e. Regular monitoring and evaluation of policies and procedures for managing drug related incidents in schools.
16. All information relating to drug use, misuse or dependency by a learner, should be treated as confidential. In the case of a learner, parents/guardians should be informed and involved at the earliest possible opportunity in any attempts to assist the learner. Where reports are required by the school, institution, or Department of Education from the treatment team as part of a relapse prevention programme, these should be furnished, with the learner's written permission, solicited in the presence of a parent/guardian in the case of a minor, to a designated and trained person. Where the learner refuses to cooperate school disciplinary procedures should be invoked.

17. The need for confidentiality cannot and should not prevent identification and prosecution of drug dealers and pushers.
18. In case of disclosure, educators and learners should be given support to handle confidentiality issues and be prepared to handle such disclosures. In certain circumstances where the safety of the learner or educator may be at risk, limited disclosure is acceptable to a specific educator. This is specifically in institutions where the learner is operating machines or other potentially dangerous apparatus.

Drug Screening/Testing

19. By its very nature, drug testing is an invasion of privacy and may infringe the constitutional and personal rights of learners. It should therefore not be the first point of intervention.
20. Random drug testing is prohibited. There is no empirical evidence or justification for routine random testing of learners, to reduce usage. Drug testing should be used where there is reasonable suspicion that a child is using drugs. Testing must be implemented as part of a structured intervention or relapse prevention programme in an environment that is committed to safeguarding personal rights relating to privacy, dignity and bodily integrity according to school policy, medical/treatment procedures and ethical guidelines. The results of the testing cannot be made public but can be shared with the child's parent or guardian.

Searches

21. Random searches of individuals are prohibited. Searches of learners can only be carried out by persons of the same gender as part of a structured intervention in a decent and orderly manner, if there is reasonable suspicion that the learner is in possession of a prohibited substance. Should a search be necessary, it should take place in the presence of the learner concerned, a person of their choice to support them and a second adult witness of the same gender.

Education and Prevention

Learners

22. The objective of preventive education is to negate, counteract or delay the likelihood experimentation with drugs by providing information about the dangers of their use and misuse, as well as to encourage those who are experiencing problems to get the help they need.
23. Drug education, included in the Learning Area of Life Orientation in the Revised National Curriculum Statement for Grades R to 9 and the National Curriculum for FET, will ensure that learners and students acquire age-and context-appropriate knowledge and skills, in order for them to adopt and maintain life skills and behaviour that will protect them from drug use, misuse and dependency.
24. Schools and institutions should, as far as possible, involve outside organizations specialising in drug education and intervention and other associated programmes to augment the education provided by the school-based educators.

Parents/Guardians

25. Education and information on drug use, misuse and dependency as well as the policy of the school or institution concerning drug abuse should be made available to all parents/guardians of learners, as well as learners themselves, upon first registration at a school. Schools need to regularly interact with parents/guardians on drug abuse through workshops and information sharing sessions.

Educators

26. Training should be provided for all educators on drug use, misuse and dependency management, and support provided where appropriate.
27. Appropriate course content should be developed for the pre-service and in-service training of educators to cope with drug related incidents within the schools.

Intervention

28. Each case will be considered on its individual merits taking into account:
 - The nature of the incident
 - The learner / student's school and family history
 - Cultural background
 - Mental Health and intellectual ability
 - Any other relevant information
29. The Ministry of Education will support learners who want or need help, through an approach that is both restorative and supportive.
30. Learners and students who have experienced or are experiencing problems as a result of alcohol and drug use, misuse or dependency and accept treatment, will be entitled to appropriate assistance, and should not be denied the opportunity to receive an education or the right to reintegration into the same school community. However if such reintegration is deemed by the SGB and school management to be detrimental to the safety and discipline of the school the learner should be assisted in finding an alternative school.
31. In cases where the learner does not wish to make use of such help offered to him or her, or is found guilty of dealing in drugs the Provincial Departments of Education will have no choice but to take the necessary disciplinary action, which may include suspension or expulsion, as determined by relevant legislation. These measures should be integrated into a structured intervention involving the learner and the parents/guardian to encourage compliance, allowing the learner to be suspended pending enrollment in an appropriate rehabilitation or relapse prevention programme.

School and Institution Management Plan

33. In order to meet the demands of the wide variety of circumstances posed by the South African context and to acknowledge the importance of governing bodies; learner representative councils as well as parents in the education partnership, it is envisaged that the Governing Body of a school, acting within its functions under the South African Schools Act (1996) and the Council of Further Education and Training Act (1998), or any provincial law, will give operational effect to the national policy framework working with

other role-players in developing and adopting a drug use, misuse and dependency management plan that reflects the needs, ethos and values of the school or institution and its community.

34. The Code of Conduct adopted for learners at a school or students at an institution should include adequate provision regarding school or institution policy and procedure on drug use, misuse and dependency.
35. Major role players in the wider school community (NGOs, health care and medical professionals, SAPS and the Government Departments of Health, Social Development and Justice) should be involved in developing supportive management plans and procedures, and can assist in developing School and Institutional Management Plans.

Implementation of this National Framework Policy on Drug Use, Misuse and Dependency

36. The implementation of this policy will be in accordance with the National Drug Master Plan and will cascade through the various levels within the education system.

Regular Review

37. This policy will be reviewed regularly and adapted when and if necessary, to reflect changed circumstances.

DEFINITIONS/GLOSSARY

Drug: A substance that produces a psychoactive effect. In this policy the term drug is used generically to include tobacco and herbal cigarettes, alcohol, pharmaceutical drugs (prescribed and over the counter), illicit drugs, image and performance enhancing substances and inhalants and other volatile substances.

Illicit/illegal Drug: A range of drugs which the production, sale, possession and use of is prohibited. These drugs include but are not limited to amphetamine, cocaine, dagga, ecstasy, heroin, LSD, mandrax

Inhalants: Substances inhaled for their effect such as glue, thinners, petrol, aerosol sprays, paint, solvents etc.

Image & Performance Enhancing drugs: A range of substances, some illicit others not, used to enhance sporting or athletic performance or body image, such as anabolic steroids.

Pharmaceuticals: Prescription and over the counter drugs available from a pharmacy. It is illegal to possess or use some of these drugs without a prescription.

Psychoactive Substance: A psychoactive substance alters the way in which the body and/or mind functions. It alters the way a person normally thinks, feels and behaves.

Structured Intervention: A controlled crisis where the user is confronted with the desperate reality of his or her situation and offered treatment.

Reintegration into the school community: Procedures for (re)engaging and supporting learners and educators in school attendance following a drug related interruption to their education/career.

Relapse: When a person has been abstinent for a period and starts using drugs again.

Relapse prevention: Procedures to help a person in recovery from dependency to remain abstinent.

School community: Learners, educators and other school staff including Governing Bodies and parents/guardians

Random drug testing/screening: Picking people at random to be tested (usually urine) for the presence of drugs in the body

Experimentation: First time or infrequent use

Use/occasional use: Infrequent/occasional use **Misuse/Problematic use:** Regular, if infrequent, use with damaging consequences

Dependency/Addiction: Loss of control. Continuing to use despite the harmful consequences.
