

Search, Screening and Confiscation Policy

Date for renewal/updates/review	November 2020
Named person responsible for monitoring	Headteacher
Agreed by Curriculum Committee	November 2017

Aim

To keep all members of the school community safe

School's common law powers on search and screening

- School staff can search students with their consent for any suspected item banned by the school rules
- School staff can search students without their consent for any suspected knives, weapons, alcohol, controlled drug, stolen items, vaping equipment, tobacco and cigarette papers, fireworks, pornographic images, any item which could reasonably be suspected of being used to commit an offence, personal injury or damage to property (from now on called prohibited items) or banned item (as identified in school rules). A search without consent can only take place in England.
- A student refusing to co-operate with a search will raise the same kind of issues as where a student refuses to stay in a detention or refuses to stop any other unacceptable behaviour when instructed by a member of staff – schools can apply an appropriate disciplinary penalty. The police might be called if the student refuses to cooperate and it is believed they are engaged in criminal activity, particularly involving the carrying of weapons and drugs.
- Schools can require students to undergo screening by a walk-through or hand-held metal detector (arch or wand) even if they do not suspect them of having a weapon and without the consent of the student. Schools' statutory power to make rules on student behaviour and their duty as an employer to manage the safety of staff, students and visitors enables them to impose a requirement that students undergo screening. This type of screening, without physical contact, is not subject to the same conditions as apply to the powers to search without consent.

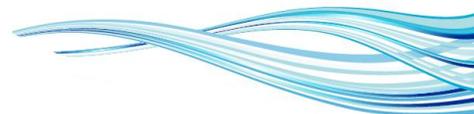
When and where can a search take place?

A search can take place if there are reasonable grounds for suspecting that a student is in possession of a prohibited or banned item. The search may be of the student's outer clothing (outer clothing means clothing that is not worn next to the skin or immediately over a garment that is being worn as underwear, but outer clothing includes jackets, coats, sweatshirt, hats, shoes, boots, gloves and scarves), bags or locker. The student must be present during the search there is the risk that serious harm may be caused to a person if the search is not conducted immediately. Wherever possible, a search should take place in private. This may not be possible for example if searching a locker in a corridor which is a public place.

Who is authorised to search students?

On the school premises and grounds, the Headteacher, members of the Senior Leadership Team, Pastoral Leaders and SENDCO have ongoing authorisation to search students in school. On an out of school activity, the Group Leader is authorised to search students at that location, if in England. All staff have ongoing authorisation to be the witness of a search. On an out of school activity, temporary authorisation is given to non-employees who are named adults supervising students on school trips to be a witness to a search. This temporary authorisation is only valid during the hours of the trip and can only be used when a staff employee is not able to deal with the situation.

When a search is required, there must be two members of staff present. The first member of staff conducting the search must be the same sex as the student being searched. The witness (second person) who, where possible, must be a member of staff and should be, again wherever possible, the same sex as the student being searched.



There is a limited exception to this. A search of a student of the opposite sex to the member of staff without a witness present may take place but only where it is believed that there is a risk that serious harm will be caused to a person if the search is not conducted immediately and where it is not reasonably practicable to summon another member of staff.

On a school trip in England, the Group Leader where possible should lead the search but if this is not possible due to gender, they have the authority to delegate the search to a member of staff of the same gender.

Extent of the search

There is no legal requirement to make or keep a record of the search. However, the member of staff leading the search would be required by the school to make a record of the date, student name, witness name, consent given, item being searched for and outcome.

A search of a student's possessions must take place in the student's presence with the witness present.

The staff conducting the search may conduct a "personal search" which requires the student to remove any outer clothing.

Staff are not authorised to conduct an "intimate search" which requires the removal of non-outer clothing. The Police must always be called if an intimate search is needed as they have the legal powers required.

A student's possessions (any goods over which the student has or appears to have control such as bags and lockers) may be searched.

Force should not be used when conducting a search. If there are any concerns that the student to be searched may become aggressive then the search should not take place and the Police called.

Protective gloves are available from Matron or from the First Aid Kit if on a school trip.

The searcher should avoid touching the student's clothing or property to reduce the risk of injury from sharp objects. The student should turn out pockets, empty bags etc. Staff should only touch items which are visible and the risk of sharp items being present can be assessed by the searcher.

After the search including confiscation

Staff must seize any prohibited or banned item found during a search.

Items which are evidence of an offence must be passed to the police as soon as possible by the Headteacher. Any seized substance whose legal status is unsure should be treated as a controlled drug.

It would not be reasonable or desirable to involve the Police in dealing with low value stolen items such as pencil cases which will be returned to the owner. The Police will be involved in higher value stolen items such as phones, tablets, laptops etc.

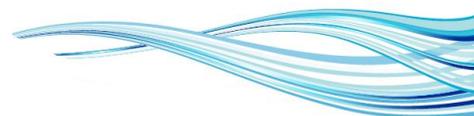
Matron should be informed of any "sharps" seized to arrange safe storage/disposal.

Alcohol which has been seized should be disposed of by pouring it down the sink.

Tobacco or cigarette papers will be disposed of. Vaping equipment will be confiscated with a parent/carer required to come in to collect it.

Fireworks will be disposed of.

In accordance with statutory guidance for dealing with electronic devices, where the person conducting the search finds an electronic device they may examine any data or files on the device if they think there is a good reason to do so. Following an examination, a decision can be taken to return the device to the



owner, or to retain or dispose of it. They may erase any data or files, if they think there is a good reason to do so or decide whether the material is of such seriousness that it requires the involvement of the police.

Under British law it is an offence to possess, take, make, send, show, distribute or receive indecent images of anyone under 18. This includes images relating to one's self. Any phone believed to contain indecent images will be confiscated and Police advice sought; school staff will not look at any images on a phone if they are believed to be indecent.

All confiscated items will be locked away in the Pastoral Department, logged in a book with the student/parent/carer signing for the items return.

Students who have politely and compliantly handed over the confiscated item will have it returned to them at the end of the day when they go to collect it. Any student who was not compliant or was challenging will have to arrange for a parent/carer to come into school to collect the item. If an item is confiscated three times in a term then the student, no matter if they have been polite and compliant, will have to arrange for a parent/carer to come to school to collect the item.

Student punishment will be according to the level of incident and may involve detention, internal isolation, fixed or in extreme cases permanent exclusion in line with the School's Behaviour Policy. Any student who refuses to cooperate with a search will be considered to have refused a reasonable staff instruction and will be punished accordingly.

Screening

Any member of school staff can screen students with the authorisation of the Headteacher.

If a student refuses to be screened, the school will refuse to have the student on the premises with the parents/carers informed. The school will not have excluded the student and the absence will be recorded as unauthorised.

This type of screening, without physical contact, is not subject to the same conditions as apply to the powers to search without consent.

Parent/carer involvement

There is no legal requirement to inform the parent/carer.

The school will inform a parent/carer where a seized item is prohibited unless this would compromise the student's safety.

A parent will be informed following a search or screen if nothing is found but there are still concerns.

Complaints and Allegations

Any complaint or allegation of misconduct arising from an incident should be put in writing to the Headteacher using the school's complaints procedure.

Staff have a defence to any complaint or other action brought against them. The law protects members of staff from liability in any proceedings brought against them for any loss of, or damage to, any item they have confiscated, provided they acted lawfully and followed school procedures.