SEARCHING PUPILS AND CONFISCATION POLICY

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1. PRINCIPLES FOR SEARCHING PUPILS AND CONFISCATION

1.1 Only the Head of School or a member of staff authorised by them, can carry out a search. Those authorised people are: Deputy Head of School or a Designated Safeguarding Lead (DSL). These staff have a statutory power to search a pupil or their possessions where they have reasonable grounds to suspect that the pupil may have a prohibited item listed in paragraph 1.2 or any other item that the school identifies as an item which may be searched for in paragraph 1.3.

1.2 The list of prohibited items is:

- knives and weapons;
- alcohol;
- illegal drugs;
- stolen items;

- any article that the member of staff reasonably suspects has been, or is likely to be used to commit an offence, or to cause personal injury to, or damage to property of, any person (including the pupil);
- tobacco and cigarette papers;
- fireworks;
- pornographic images.

1.3 In addition, the school identifies that the following items may also be searched for:

- e-cigarettes;
- vapes;
- any other item that a pupil or pupils may have in their possession that is in contravention of the School's Behaviour Management Policy, Exclusion Policy or stipulated in a safety plan, School Support Plan (SSP) or parenting contract.

2. GUIDANCE FOR THOSE AUTHORISED TO CONDUCT A SEARCH

AUTHORITY TO SEARCH

2.1 The Head of School will oversee the school's practice of searching to ensure that a culture of safe, proportionate and appropriate searching is maintained, which safeguards the welfare of all pupils and staff with support from the Deputy Head of School or Designated Safeguarding Lead.

2.2 All staff authorised to carry out a search will read and ensure they understand this policy before they conduct a search so that it is conducted lawfully and safely.

2.3 Searches can be conducted without consent when searching for items listed in 1.2 and 1.3. However, if searching for other items not listed in either 1.2 or 1.3 a parent or guardian of the child should give consent.

BEFORE SEARCHING

Before consideration of any search, the member of staff must have reasonable grounds to suspect that the pupil is in possession of something that they should not be in procession of.

2.4 The member of staff should assess how urgent the need for a search is and should consider the risk to other pupils and staff.

2.5 Before any search takes place, the member of staff conducting the search should explain to the pupil why they are being searched, how and where the search is going to take place and give them the opportunity to ask any questions and note any concerns the pupil might have before proceeding.

2.6 The member of staff should always seek the co-operation of the pupil before conducting a search. If the pupil is not willing to co-operate with the search, the member of staff should consider why this is. Reasons might include that they:

- are in possession of a prohibited item;
- do not understand the instructions;

- are unaware of what a search may involve; or
- have had a previous distressing experience of being searched.

2.7 If a pupil continues to refuse to co-operate, the member of staff may sanction the pupil in line with the School's Behaviour Management Policy, ensuring that they are responding to misbehaviour consistently and fairly.

2.8 If the member of staff still considers a search to be necessary, but is not required urgently, they should seek the advice of the Head of School. During this time the pupil should be supervised and kept away from other pupils.

REASONABLE FORCE

2.9 If the pupil still refuses to co-operate, the member of staff should assess whether it is appropriate to use reasonable force to conduct the search. A member of staff can use such force as is reasonable to search for any prohibited items identified in paragraph 1.2 but not to search for items which are identified only in paragraph 1.3.

2.10 The decision to use reasonable force should be made on a case-by-case basis. The member of staff should consider whether conducting the search will prevent the pupil harming themselves or others, damaging property or from causing disorder.

2.11 It should be noted that the use of reasonable force will differ depending on whether the member of staff is searching possessions or the pupil themselves. (Section 550ZB(5) of the Education Act 1996) namely whether a pupil is at risk of harm to themselves or others.

DURING A SEARCH

WHERE SHOULD A SEARCH TAKE PLACE?

2.12 An appropriate location for the search should be found. Where possible, this should be away from other pupils. The search must only take place on the school premises or where the member of staff has lawful control or charge of the pupil, for example, on a school trip.

WHO WILL CONDUCT A SEARCH?

2.13 The law states the member of staff conducting the search must be of the same sex as the pupil being searched. There must be another member of staff present as a witness to the search.

2.14 There is a limited exception to this rule. This is that a member of staff can search a pupil of the opposite sex and/or without a witness present only:

- if the member of staff carrying out the search reasonably believes there is risk that serious harm will be caused to a person if the search is not carried out as a matter of urgency; and

- in the time available, it is not reasonably practicable for the search to be carried out by a member of staff who is the same sex as the pupil, or, it is not reasonably practicable for the search to be carried out in the presence of another member of staff.

When a member of staff conducts a search without a witness they should immediately report this to another member of staff, and ensure a record of the search is kept which details the reasons why the search was necessary in these circumstances.

THE EXTENT OF A SEARCH

2.15 A member of staff may search a pupil's outer clothing, pockets, possessions, or locker.

2.16 The person conducting the search must not require the pupil to remove any clothing other than outer clothing. 'Outer clothing' means any item of clothing that is not worn wholly next to the skin or immediately over a garment that is being worn as underwear, as well as hats, shoes, boots or scarves.

2.17 'Possessions' means any goods over which the pupil has or appears to have control - this includes lockers and bags.

2.18 A member of staff is able to search lockers and other personal spaces at the school for any item provided the pupil agrees. If the pupil withdraws their agreement to a search, a search may be conducted for the prohibited items listed in paragraphs 1.2 and1.3 and any items identified in the school's Behaviour Management Policy for which a search can be made.

2.19 A pupil's possessions can only be searched in the presence of the pupil and another member of staff, except where 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.

2.20 The member of staff's power to search outlined above does not enable them to conduct a strip search.

RECORDING THAT A SEARCH HAS TAKEN PLACE

2.21 The Head of School must be informed, using CPOMS, of any search conducted with or without the consent of the pupil. A designated safeguarding lead will also be notified as soon as practicable, using CPOMS, if they believe that a search has revealed a safeguarding risk. In the case of a search conducted without consent of the child the parent or guardian should be notified, as soon as reasonably practicable, that a search took place and its outcome.

2.22 The following information will be evidenced on CPOMS following a search; who conducted the search, the staff member who accompanied the search, the location of the search, a brief outline of the reason and any concerns raised by the pupil. If any item is found that contravenes the policy, a photograph of the item will be taken and the actions taken as a result of the search, if any will be recorded on CPOMS.

2.23 If a designated safeguarding lead finds evidence that any child is at risk of harm, they should make a referral to children's social care services immediately (as set out in part 1 of Keeping children safe in education). The designated safeguarding lead should then consider the circumstances of the pupil who has been searched to assess the incident against potential wider safeguarding concerns.

3. STRIP SEARCHING

3.1 The school staff will not, under any circumstances, carry out a strip search of a pupil. However, if there are reasonable grounds to believe that the pupil is concealing a prohibited item under their clothing, and that a search will prevent the pupil harming themselves or others, damaging property or from causing disorder, then the Head of School or Deputy Head of School will contact the police. Strip searches on the school premises can only be carried out by police officers under the Police and Criminal Evidence Act 1984 (PACE) Code A and in accordance with the Police and Criminal Evidence Act 1984 (PACE) Code C.

3.2 If the police are called to carry out a strip search the Head of School or Deputy Head of School must be certain that it is absolutely necessary and act as an advocate for the pupil.

3.3 Unless there is an immediate risk of harm and where reasonably possible, staff should inform a parent of the pupil suspected of concealing an item in advance of the search, even if the parent is not acting as the appropriate adult. Parents should always be informed by a staff member once a strip search has taken place. The school will record a strip search that has been conducted on the school premises and monitor for any trends that emerge.

3.4 At all times before, during and after a strip search the Head of School or Deputy Head of School should make sure that the wellbeing of the pupil be considered and appropriate support given. Any symptoms of a safeguarding concern for the pupil will be supported and followed up as set out in the Federation's Safeguarding Policy.

4. CONFISCATION OF PROHIBITED OR ILLEGAL ITEMS

4.1 Controlled drugs must be delivered to the police as soon as possible unless there is a good reason not to do so. In these cases, the member of staff must safely dispose of the drugs. When staff are unsure as to the legal status of a substance and have reason to believe that it may be a controlled drug, they should treat it as such. If the member of staff is in doubt about the safe disposal of controlled drugs, they should deliver them to the police.

4.2 Other substances which are not believed to be controlled should also be delivered to the police, or disposed of as above, if the member of staff believes they could be harmful.

4.3 Where a person conducting a search finds alcohol, tobacco, cigarette papers or fireworks, vapes or e-cigarettes they may retain or dispose of them as they think appropriate but should not return them to the pupil.

4.4 If a member of staff finds a pornographic image, they may dispose of the image unless they have reasonable grounds to suspect that its possession constitutes a specified offence (i.e. it is extreme or an indecent image of a child) in which case it must be delivered to the police as soon as reasonably practicable.

4.5 Members of staff should never intentionally view any indecent image of a child (also sometimes known as nude or semi-nude images). Staff must never copy, print, share, store or save such images.

5. ELECTRICAL DEVICES AND DATA

5.1 All staff have the right to confiscate any electrical device. If they believe there is a good reason to do so, they may examine any data or files on the device.

5.2 In determining a 'good reason' to examine the data or files, the staff member must reasonably suspect that the data or file on the device in question has been, or could be, used to cause harm, to disrupt teaching, or break our rules.

5.3 If inappropriate material is found on the device it is up to the Head of School to decide whether he/she should delete that material, retain it as evidence (of a criminal offence or a breach of this policy), or whether the material is of such seriousness that it requires the involvement of the police.

5.4 Staff can also confiscate any device that is in contravention of the law, the School's Behaviour Management Policy, Exclusion Policy or any item that is in contravention of a School Safety Plan.

5.5 If the device is prohibited by the school but not illegal, parents should be contacted in order that they can arrange to collect the item during the working day.