



## **Searching, Screening and Confiscation**

<b>Date</b>	<b>Review Date</b>	<b>Coordinator</b>	<b>Nominated Governor</b>
<b>October 2017</b>	<b>October 2020</b>	<b>Executive Head</b>	<b>Chair of Governors</b>

We believe this policy should be a working document that is fit for purpose, represents the school ethos, enables consistency and quality across the school and is related to the following legislation:

- Health and Safety at Work etc Act 1974
- Education Act 1996
- Education and Inspections Act 2006
- Education (Independent School Standards) (England) Regulations 2010
- Equality Act 2010
- Schools (Specification and Disposal of Articles) Regulations 2012
- School Behaviour (Determination and Publicising of Measures in Academies) Regulations 2012

The following documentation is also related to this policy:

- Searching, Screening and Confiscation (DfE)
- Use of Reasonable Force – advice for headteachers, staff and governing bodies Behaviour and Discipline in Schools (DfE)
- Behaviour and Discipline in Schools – advice for head teachers and school staff (DfE)
- Information Commissioner for advice on the Data Protection Act (DfE)
- Equality Act 2010: Advice for Schools (DfE)
- Keeping Children Safe in Education: Statutory Guidance for Schools and Colleges (DfE)
- Working Together to Safeguard Children: A Guide to Inter-agency Working to Safeguard and Promote the Welfare of Children

We recognise our responsibilities under the Health and Safety at Work Act 1974 and will take all reasonably practicable steps to provide and maintain safe and healthy working conditions (on the school premises and during school-sponsored activities), equipment and systems of work for all our pupils, school personnel and visitors to the school.

We understand that 'Headteachers and school personnel authorised by them have the statutory power to search pupils or their possessions, without consent, where they have reasonable grounds for suspecting that the pupil may have a prohibited item'.

We have decided that the following items are prohibited in this school namely knives or weapons, stolen items, alcohol, illegal drugs, stolen items, tobacco, cigarette papers, fireworks, pornographic images, any item that could be used to commit an offence or personal injury or damage to property.

We understand that we can seize any prohibited item that we consider is 'harmful or detrimental to school discipline'. We will inform and hand to the Police certain prohibited items.

In accordance with Section 89 of the Education and Inspections Act 2006 (maintained schools)/School Behaviour (Determination and Publicising of Measures in Academies) Regulations 2012 (academy schools and alternative provision academies) the Headteacher will determine and publicise the school rules listing all banned items that can be searched for.

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We are aware that the powers to search as stated in the Education Act 1996 are compatible with Article 8 of the European Convention on Human Rights and we will exercise those powers lawfully in the context of this policy.

We are aware that the law allows schools to screen pupils by them going through a walk-through or hand-held detector 'even if they do not suspect them of having a weapon and without the consent of the pupils.'

However, if a pupil refuses to be screened, then in the interests to the health and safety of all pupils and school personnel, we have the right to refuse to have the pupil on the school premises.

We are aware that 'Section 91 of the Education and Inspections Act 2006 enables a member of staff to confiscate, retain or dispose of a pupil's property as a disciplinary penalty, where reasonable to do so'.

We wish to work closely with the School Council and to hear their views and opinions as we acknowledge and support Article 12 of the United Nations Convention on the Rights of the Child that children should be encouraged to form and to express their views.

We as a school community have a commitment to promote equality. Therefore, an equality impact assessment has been undertaken and we believe this policy is in line with the Equality Act 2010.

We believe it is essential that this policy clearly identifies and outlines the roles and responsibilities of all those involved in the procedures and arrangements that is connected with this policy.

### **Aims**

- To have in place school personnel authorised to search pupils or their possessions, without consent, where they have reasonable grounds for suspecting that the pupil may be in possession of a prohibited item.
- To provide and maintain safe and healthy working conditions (on the school premises and during school-sponsored activities), equipment and systems of work for all our pupils, school personnel and visitors to the school.
- To ensure compliance with all relevant legislation connected to this policy.
- To work with other schools and the local authority to share good practice in order to improve this policy.

### **Responsibility for the Policy and Procedure**

### **Role of the Governing Body**

The Governing Body has:

- delegated powers and responsibilities to the Executive Headteacher to ensure all school personnel and stakeholders are aware of and comply with this policy;
- responsibility for ensuring full compliance with all statutory responsibilities;
- responsibility for ensuring that the school complies with all equalities legislation;
- nominated a designated Equalities governor to ensure that appropriate action will be taken to deal with all prejudice related incidents or incidents which are a breach of this policy;
- responsibility for ensuring funding is in place to support this policy;
- make effective use of relevant research and information to improve this policy;
- responsibility for ensuring all policies are made available to parents;

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- responsibility for the effective implementation, monitoring and evaluation of this policy.

### **Role of the Executive Headteacher**

The Executive Headteacher will:

- ensure all school personnel, pupils and parents are aware of and comply with this policy;
- ask for school personnel volunteers to be designated school personnel authorised by the Headteacher to undertake a search;
- ensure authorised designated school personnel attend appropriate training to search pupils for prohibited items;
- ensure that in any search the designated person will be the same sex as the pupil being searched;
- be aware that in exceptional circumstances an immediate search of a pupil will take place without a witness present when it is believed that serious harm to another person is imminent;
- ensure a certain amount privacy for pupils when undertaking a pupil search;
- be aware that schools' have common law powers to **search with consent** such as:
  - ☐ School personnel can search pupils with their consent for any item.
  - ☐ School personnel just need a pupil's verbal consent and not a formal written consent before they can begin a search.
  - ☐ The pupil behaviour and discipline policy clearly states what items are banned.
  - ☐ Disciplinary penalties will be imposed if a pupil refuses to allow a search to take place.
- be aware that the law states that only authorised school personnel can search for the following items **without consent**:
  - ☐ knives or weapons, stolen items, alcohol, illegal drugs, stolen items, tobacco, cigarette papers, fireworks, pornographic images, any item that could be used to commit an offence or personal injury or damage to property.
  - ☐ A search can take place at any time if there are reasonable grounds such as suspicious pupil behaviour for suspecting that a pupil is in possession of a prohibited item.
  - ☐ Searching without consent can only take place on the school premises or on school trips.
  - ☐ During a search without consent only outer clothing (clothing not worn next to the skin) such as hats, shoes, boots, gloves or scarves is removed if required;
- consider viewing CCTV footage before making a decision as to whether to conduct a search for an item;
- ensure that designated school personnel 'carrying out a search can seize anything they have reasonable grounds for suspecting is a prohibited item or is evidence in relation to an offence';
- ensure the following when dealing with confiscated items:

#### **Alcohol**

- Dispose of and not return to the pupil.

#### **Controlled drugs**

- Deliver to the police.

#### **Other substances**

- Confiscate

#### **Stolen items**

- Deliver to the police.

#### **Tobacco and cigarette papers**

- Dispose of and not return to the pupil.

#### **Fireworks**

- Dispose of and not return to the pupil.

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| <b>Pornographic images</b>  | ▪ Deliver to the police if they are extreme or child pornography otherwise dispose of the images.  |
| <b>An article that has been (or could be) used to commit an offence or to cause personal injury or damage to property</b> | ▪ Deliver to the police.   |
| <b>An item which is banned under the school rules</b>   | ▪ All relevant circumstances must be taken into account and a professional judgement made whether to return the item to its owner, retain it or dispose of it. |
| <b>Weapons or items which are evidence of an offence</b>  | ▪ Deliver to the police  |
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- inform a child's parents/carers if prohibited items have been found in their child's possession;
  - deal with any complaints regarding searching and the confiscation of any prohibited item;
  - keep records of all searches and confiscated items;
  - will return certain confiscated items to parents;
  - work closely with the designated school personnel and link governor;
  - provide leadership and vision in respect of equality;
  - make effective use of relevant research and information to improve this policy;
  - provide guidance, support and awareness training to all school personnel;
  - monitor the effectiveness of this policy by speaking with pupils, school personnel, parents and governors;
  - annually report to the Governing Body on the success and development of this policy.

### **Role of Designated School Personnel**

Designated school personnel will:

- undertake appropriate training in search procedures;
- undertake a search without consent if they have sufficient grounds for suspicion that a pupil has in his/her possession a prohibited item or is behaving in a suspicious manner;
- ensure that in any search the designated person and witness will be the same sex as the pupil being searched;
- conduct an immediate search of a pupil without a witness being present if it is considered that serious harm to another person is potentially imminent;
- ensure all searches are witnessed by another member of the school personnel or by another designated person;
- ensure a search does not take place in full view of other pupils but in an appropriate private room with a witness or witnesses present;
- consider studying CCTV footage before deciding whether to conduct a search;
- not request under any circumstance the pupil to remove any 'next to the skin' clothing other than, if need be, their outer clothing such as hats, shoes, boots, gloves or scarves;
- have the authority to search a pupil's desk, locker or bag in the presence of the pupil and a member of the school personnel
- have the authority to search a pupil's desk, locker or bag without the presence of the pupil or witness if it is considered that there is a serious risk of immediate harm to another person;
- confiscate all prohibited items after a search has taken place;

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- be reassured that if they have acted lawfully when confiscating a prohibited item that no complaint or other action can be taken against them;
- report to the Executive Headteacher in the first instance and then to the police the following:
  - ☐ illegal drugs and other substances
  - ☐ stolen items
  - ☐ child pornography
  - ☐ knives or weapons
  - ☐ weapons or items which are evidence of an offence
  - ☐ any item that could be used to commit an offence or personal injury or damage to property
  - ☐ electronics devices containing inappropriate material
- work closely with the executive Headteacher and the nominated governor;
- keep up to date with new developments and resources;

### **Role of School Personnel**

School personnel must be aware that:

- they can choose whether they want to be authorised to conduct a search, or not;
- they cannot be made to conduct a search;
- that in order to conduct a search without consent, a member of staff must be authorised to do so;
- the executive Headteacher and authorised school personnel have a specific statutory power to search pupils without consent for specific items and must act within the limits of this specific power.

### **Role of Pupils**

Pupils will be aware that:

- the Executive Headteacher and authorised school personnel have the statutory power to search without consent any pupil for specific items such as knives/weapons, alcohol, illegal drugs or stolen items;
- they face disciplinary sanctions if they are found to be in possession of any prohibited item.

### **Role of Parents/Carers**

Parents/carers will:

- be aware of and comply with this policy for the benefit of their children;
- be aware that the school does not have to inform them if a search takes place or seek their consent to search their child;
- be informed if their child is found to be in possession of any prohibited item;
- be aware of the sanctions that their child may face if their child is found to be in possession of any prohibited item;
- work in partnership with the school;
- be asked to take part in periodic surveys conducted by the school;
- support the school Code of Conduct and guidance necessary to ensure the smooth running of the school.

## **Raising Awareness of this Policy**

We will raise awareness of this policy via:

- the School Handbook/Prospectus
- the school website
- the Staff Handbook

## **Training**

All school personnel:

- have equal chances of training, career development and promotion
- receive training on induction which specifically covers:
  - ☐ All aspects of this policy
  - ☐ Searching techniques and procedures
  - ☐ Pupil behaviour and discipline
  - ☐ School Rules

## **Equality Impact Assessment**

Under the Equality Act 2010 we have a duty not to discriminate against people on the basis of their age, disability, gender, gender identity, pregnancy or maternity, race, religion or belief and sexual orientation.

This policy has been equality impact assessed and we believe that it is in line with the Equality Act 2010 as it is fair, it does not prioritise or disadvantage any pupil and it helps to promote equality at this school.

## **Linked Policies**

- Complaints
- Pupil Behaviour and Discipline

<b>Headteacher:</b>		<b>Date:</b>	
<b>Chair of Governing Body:</b>		<b>Date:</b>	