

Searching, Screening and Confiscation Policy

Policy Level and Description:	1	<u>TKAT Statutory Policy</u> NO CHANGES TO THE CORE TEXT ALL Schools require a policy on this topic/area. Only changes to highlighted sections are allowed to the core text – changes will be limited to school name and very limited school-specific details - LGBs to adopt, implement and monitor this policy.	
Reviewed by: (Trust Officer)	Hester Wooller CEO	Reviewed by: (School representative)	Richard Thomas, HoS
Approved by: (Trust Committee/Trust Board)	CECE	Approved by: (LGB/LGB Committee)	LGB
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We are a family of distinctive schools at the heart of the diverse communities we serve. In line with our Christian ethos, we aspire to excellent learning and pastoral care for pupils and staff and are committed to being open and welcoming to all.

Background

This policy is based on the Department for Education advice for Headteachers, school staff and governing bodies 'Searching, screening and confiscation' DfE 2022

Safeguarding

All staff have a duty to consider the best interests of pupils in your school. This is covered in paragraph 2 of Keeping Children Safe in Education (KCSIE). This includes both the pupil you're considering searching, and all the other pupils.

Pupils also have a right to expect a reasonable level of personal privacy, under Article 8 of the Human Rights Act 1998. Any 'interference' with this right by your school must be justified and proportionate.

This means that, when deciding whether to search a pupil, you should balance:

- The need to safeguard all pupils by confiscating harmful, illegal, or disruptive items, and
- The safeguarding needs, rights and wellbeing of the pupil suspected of possessing these items, including the potential:
 - Loss of privacy when clothes, bags or possessions are searched
 - Loss of a sense of security, if they feel they are being monitored and/or searched without reason
 - Impact on their dignity or reputation if they are searched or suspected of possessing prohibited items

Searching

School staff can search any pupil for any item if the pupil agrees. The Headteacher/Head of School and members of staff authorised by the Headteacher/Head of School have a 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.

Prohibited items are:

- Knives or weapons
- Alcohol
- Illegal drugs
- Stolen items
- Tobacco, e-cigarettes and/or cigarette papers
- Fireworks
- Pornographic images – (see Appendix 4 Acceptable User Agreement in TKAT Online Safety Policy)
- 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 the property of, any person (including the pupil).

The Headteacher/Head of School and members of staff authorised by the Headteacher/Head of School can also search for any item listed above, which have been identified as harmful or detrimental to school discipline and items which may be searched for.

When exercising these powers, the school must consider the age and needs to pupils being searched or screened. This includes the individual needs or learning difficulties of pupils with Special Educational Needs (SEN) and making reasonable adjustments that may be required where a pupil has a disability

Confiscation

Treat any pupil in possession of drugs, alcohol or weapons as vulnerable and at risk of exploitation.

Paragraph 18 of KCSIE highlights the need to be alert to potential risks to children who are:

- Showing signs of being drawn in to anti-social or criminal behaviour
- In challenging family circumstances, such as drug and alcohol misuse
- Misusing drugs or alcohol themselves

Children in possession of drugs, alcohol or weapons should be considered vulnerable. A search can play a vital role in identifying a safeguarding issue.

Inform your designated safeguarding lead (DSL) of any searches that you believe revealed a safeguarding risk, or where you had reasonable grounds to suspect that a pupil was in possession of a prohibited item (see the section below for a list of these items). They should make an immediate referral if they find evidence that a child is at risk of harm.

School staff can seize and the school retain any prohibited item found as a result of a search. They can also seize any item, which they consider harmful or detrimental to school discipline.

Searching with consent:

School staff can search pupils with their consent for any item.

Formal written consent is not required from the pupils (such as asking the pupils to turn out their pockets or if the teacher can look in a pupils' bag or locker and for the pupil to agree).

The behaviour policy, shared with children and parents, will clearly state any items which are banned.

Searches will be conducted in such a manner as to minimise embarrassment or distress. As far as possible, staff will be the same sex as the pupil being searched and there will be a witness. As a limited exception to this rule, staff can carry out a search of a pupil of the opposite sex if a member of staff suspects a pupil is in possession of a banned item.

Searching without consent:

The Headteacher/Head of School or a member of staff authorised by the Headteacher/Head of School can search without consent of child or their parent/ carer if they have reasonable grounds for suspecting a child is in possession of an item on the prohibited list.

A member of staff must be the same sex as the pupil being searched; and there must be a witness (also a member of staff). However, if staff believe the child is at risk of serious harm if you do not search immediately then the search can be conducted on a child of the opposite sex but with a staff witness.

Searches without consent can only be carried out on the school premises or, if elsewhere, where the member of staff has lawful control or charge of the pupils, for example on school trips in England or Overseas.

During the search

The law states:

- The person conducting the search may not request the pupils to remove clothing other than outer clothing
- 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.
- It does NOT enable or allow an intimate search going further than that, which only a person with more extensive powers (e.g. police officer) can do.
- Members of staff can use such force as is reasonable given the circumstances when conducting a search for knives or weapons, alcohol, illegal drugs, stolen items, tobacco and cigarette papers, fireworks, pornographic images or articles that have been or could be used to commit an offence or cause harm.

Strip searching

A strip search is a search involving the removal of more than outer clothing and can only be carried out on school premises by police officers under the Police and Criminal Evidence Act 1984 (PACE). More guidance is contained within the DfE advice to schools on [Searching, Screening and Confiscation \(July 2022\)](#).

The decision to undertake a strip search itself and its conduct are police matters. However, school staff retain a duty of care to the pupil(s) involved and should advocate for pupil wellbeing at all times.

In order to ensure pupil's wellbeing, the school will seek to include an appropriate adult as a matter of course during all searches conducted by police in school.

Electronic Devices

If it is suspected that the device has been or is likely to be used to commit an offence or cause personal injury or damage to property, then data or files on the device can be examined.

This can be done under the powers of 'without consent' search if it is reasonably suspected to be used to commit an offence or cause personal injury or damage to property.

If inappropriate material is found on a pupil's device, the Designated Safeguarding Lead will decide whether they should delete that material, retain it as evidence (of a criminal offence or a breach of school discipline) or whether the material is of such seriousness that it requires the involvement of the police.

Any material on the device that is suspected to be evidence relevant to an offence, or that is a pornographic image of a child or an [extreme pornographic image](#) must not be deleted and must be given to the police as soon as reasonably possible.

The school may delete files or data if they believe there is good reason (it could cause harm, disrupt teaching or break the school rules) to do so and they are not needed to be given to the police.

After the search

Senior leaders can use their discretion to confiscate, retain or to destroy any item found so long as it is reasonable in the circumstances.

Any offensive weapon, controlled drugs, stolen items (unless low value e.g. Pencil cases), pornographic images that are a specified offence (i.e. extreme or child pornography) must be passed to the police.

Recording searches

Any search by a member of staff for a prohibited item, items banned by the school rules and all searches conducted by police officers will be recorded in the school's safeguarding reporting system, including whether or not an item is found. This will allow the DSL or deputy to identify possible risks and initiate a safeguarding response if required.

Records of the search will include:

- the date, time and location of the search;
- which pupil was searched;
- who conducted the search and any other adults or pupils present;
- what was being searched for;
- the reason for searching;
- what items, if any, were found; and
- what follow-up action was taken as a consequence of the search.

The school will take reasonable care of any items confiscated from pupils. However, unless negligent or guilty of some other wrongdoing causing injury, loss or damage, the school does not accept responsibility for loss or damage to property.

Communication with Parents/Carers

The School aims to work with parents/carers: There is no legal requirement for the school to inform parents/carers before a search for banned or prohibited items takes place or to seek their consent to search their child and it will not generally be practicable to do so.

Parents/carers should always be informed of any search for a prohibited item that has taken place and the outcome of the search as soon as practicable. A member of staff should inform parents/carers of what, if anything, has been confiscated and the resulting action the school has taken, including any sanctions applied.

Complaints about searching or confiscation will be dealt with through the school's complaints policy and procedures.

Screening

Schools can require pupils to undergo screening by a walk-through or hand-held metal detector. We do not have such devices.

The advice will be kept under review and updated as necessary.

Appendix A

Disposal of confiscated items

Alcohol: alcohol which has been confiscated will be destroyed.

Controlled drugs: controlled drugs will be alerted to the police as soon as possible and invited to collect from the school premises. They will not be returned to the pupil.

Other substances: substances which are not believed to be controlled drugs but which are harmful or detrimental to good order and discipline may be confiscated and destroyed. Where it is not clear whether the substance seized is a controlled drug, it will be treated as such and disposed of as above.

Stolen items: stolen items will be delivered to the police as soon as possible. However, if, in the opinion of the Headteacher/Head of School, there is good reason to do so, stolen items may be returned to the owner without the involvement of the police.

Tobacco, cigarette papers or e-cigarettes: these will be destroyed.

Fireworks: these will be placed in safe storage for disposal. They will not be returned to the pupil.

Pornographic images: pornographic images involving children or images that constitute "extreme pornography" under section 63 of the Criminal Justice and Immigration Act 2008 will be handed to the police as soon as practicable. As possession of such images may indicate that the pupil is at risk of harm, the Designated Safeguarding Lead for the relevant school will also be notified and will make a referral to the Local Authority Designated Safeguarding Officer.

Other pornographic images will also be discussed with the Designated Safeguarding Lead for the relevant school. The images may then be passed to the Local Authority designated safeguarding officer.

An article that has been (or could be) used to commit an offence or to cause personal injury or damage to property: such articles may, at the discretion of the Headteacher/Head of School, taking all the circumstances into account, be delivered to the police, returned to the adult owner, retained or disposed of.

Weapons or items which are evidence of an offence: such items will be passed to the police as soon as possible.

An item banned under School rules: such items may, at the discretion of the school Headteacher/Head of School taking all the circumstances into account, be returned to its adult owner, retained or disposed of.

Electronic devices Where staff confiscate a mobile electronic device that has been used in breach of school rules to disrupt teaching, the device will be kept safely until the end of the school day when it can be claimed by its adult owner, unless the Headteacher/Head of School considers it necessary to retain the device for evidence in disciplinary proceedings.