



Screening, Searching and Confiscation policy

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Contents

1.	THE AIMS OF THE POLICY	3
2.	WHAT LEGISLATION DOES THIS POLICY RELATE TO?	3
3.	SEARCHING	3
4.	SCREENING	7
5.0	TRAINING STAFF FOR SEARCHES, SCREENING AND CONFISCATION PROCEDURES.....	8
6.0	COMMENTS AND COMPLAINTS POLICY RELATED TO THIS POLICY	8
7.0	OTHER ASSOCIATED POLICIES TO BE READ IN CONJUNCTION WITH THIS DOCUMENT.....	8

Vision Statement

Believe Strive Succeed

Our vision is to provide an outstanding, inclusive and aspirational education for local children. We believe that everyone in our community is capable of achieving beyond their expectations by living each day in all its fullness, spiritually, physically, intellectually, emotionally and morally. We are underpinned by deep rooted values of respect, consideration, loyalty, responsibility and success.

1 Corinthians 12:12 'the body is one and has many members, and all the members of the body, though many, are one body'

1. THE AIMS OF THE POLICY

Bishop Stopford School is a safe and caring learning community. This policy is intended to explain the school's powers of screening and searching young people, to ensure it remains a place where students, parents, staff and governors are safeguarded.

It explains the use of the power to search students both with and without their consent.

Furthermore, it explains the powers the school has to seize and then confiscate items found during a search. It includes statutory guidance which the school must have regard to.

2. WHAT LEGISLATION DOES THIS POLICY RELATE TO?

This policy takes account of the latest statutory advice and guidance available at the time of publication:

- Education Act (1996)
- Education and Inspections Act (2006)
- The School (Specification and Disposal of Articles) Regulations (2012)
- School Behaviour (Determination and Publicising of Measures in Academies) Regulations (2012).
- Keeping children safe in education latest edition
- Searching, screening and confiscation – Advice for headteachers, school staff and governing bodies.
- Use of Reasonable force – advice for headteachers, staff and governing bodies
- Health and Safety at Work Act (1974)

3. SEARCHING

Information that a student may be carrying, or is likely to carry, an illegal item comes to the schools from many sources. The reaction of the schools to such suspicions or intelligence is determined according to the circumstances. This is outlined below. In principle, the schools will respond in a manner which causes the least disruption to the normal operation of the school concerned after the professional assessment of risk and its minimisation has been completed.

Usual practice will be to search a student in a private room with a witness present. It is not a requirement that the witness should be a member of SLT or other person authorised by the

Screening, Searching and Confiscation policy: guidance for school staff

Headteacher to conduct a search. Having a witness present protects the staff against the possibility of a malicious allegation.

Any searches that are conducted will be noted using the 'Recording a search proforma' (see Appendix 1) and then uploaded to on our safeguarding reporting system, CPOMS.

In line with the latest version of Keeping Children Safe in Education (KCSIE) statutory duty, we ensure that all staff make decisions in the best interests of the child. This applies to decisions to search pupils and confiscate items.

3.1 Sources of Information

The schools receive information that there may be an illegal item from a number of sources, which include:

- A student makes a threat which is overheard by staff
- Students express concern about a fellow student to staff
- There has been recent history of a severe altercation, either within school or between schools
- The Safer Schools Police Officer warns the school
- The general local threat level is heightened around the schools due to any civil unrest
- A student is allocated to the school (through Fair Access Panel (FAP) or other means) and the accompanying risk assessment indicates a weapons risk

3.2 Action to be taken

3.2.1 Protocols for Searching a Student with their Consent

Members of the Senior Leadership Team (SLT) at Bishop Stopford School are authorised by the Headteacher, to search a student (or their possessions) for any item if the student agrees and this agreement is witnessed by another member of the school staff. The staff member does not require formal written consent from the pupil to carry out a search.

Searches should normally be conducted by a member of the same sex as the student being searched and there should also be a witness present (another member of staff). If possible, the witness should be the same sex as the student being searched.

The person conducting the search may not require the student to remove any clothing other than 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 hats; shoes; boots; gloves and scarves. They can also search coats, pockets and possessions (including bags). More comprehensive searches of students' i.e. an intimate search can only be conducted by a person with more extensive powers, e.g. a Police Officer.

Screening, Searching and Confiscation policy: guidance for school staff

Staff authorised by the Headteacher to conduct searches can view CCTV footage in order to make a decision as to whether to search for an item.

Searches should be conducted with consideration for a student's right to privacy i.e. not in a publicly viewable space.

At Bishop Stopford School a phone call is made home acknowledging that a search with consent has taken place, and this is logged on CPOMS.

Students who refuse to cooperate with such a search raise the same issues as a student refusing to follow the Behaviour Policy. In such circumstances staff can apply appropriate sanctions.

3.2.2 Protocols for Searching a Student without their Consent

The Headteacher, and members of the SLT authorised by the Headteacher, are permitted to search students (or their possessions) without their consent, where they have reasonable grounds for suspecting that a student may have a prohibited item on their person, or in their possession/locker (see list of prohibited items at paragraph 3.3.1 below). The staff member will make a written record on CPOMS confirming their reasonable grounds, and the evidence this is based on.

Searches will be conducted by a member of the same gender as the student being searched (where possible, students will be given a choice on who conducts the search) and there should also be a witness present (another member of staff). If possible, the witness should be the same sex as the student being searched.

The person conducting the search **may not** require the student to remove any clothing other than outer clothing. They can also search coats, pockets, possessions (including bags, lockers and desks). More comprehensive searches of students i.e. intimate searches can only be conducted by a person with more extensive powers, e.g. a Police Officer.

Staff authorised by the Headteacher to conduct searches can view CCTV footage to assist them in determining whether they have reasonable grounds to suspect that they are in possession of a prohibited article.

Searches should be conducted with consideration for a student's right to privacy i.e. not in a publicly viewable space.

3.3 Prohibited Items

3.3.1 What can be Searched for by Law?

- Knives or weapons
- Alcohol
- Illegal drugs/drugs paraphernalia
- Stolen items
- Tobacco and cigarette papers
- Fireworks
- Pornographic images
- Any other article the member of staff reasonably suspects has been, or is likely to be, used to:

Screening, Searching and Confiscation policy: guidance for school staff

- i) Commit an offence;
- ii) To cause personal injury to, or damage to the property of, any person (including student or staff).

This list is set out in The Education Act 1996 and paragraph 3 of the DfE's guidance on searching, screening and confiscation.

3.3.2 What Other Items can be Searched for?

The Headteacher (or authorised SLT members) can also search students for any item banned by the school rules under the Behaviour Policy.

3.4 How will the School Deal with Students Refusing to Co-operate with a Search?

A student refusing to cooperate with such a search raises 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. In such circumstances, Bishop Stopford School will apply an appropriate disciplinary sanction under our Behaviour Policy.

3.5 Use of Physical Intervention

When searching for “prohibited items” staff authorised by the Headteacher can use such force as is reasonable given the circumstances.

Physical interventions can only be carried out in line with Bishop Stopford Physical Restraint Policy.

Such force **cannot** be used to search for other items banned under the school rules.

3.6 The Power to Seize and Confiscate Items – General Guidance

Staff authorised by the Headteacher can confiscate, retain and dispose of a student’s property as a disciplinary sanction, where reasonable to do so, under Section 91 of the Education and Inspections Act (2006).

Authorised staff can use their discretion to confiscate, retain and/or destroy any item found as a result of a “with consent” search so long as it is reasonable in the circumstances.

3.7 Guidance for Items Found as a Result of a “Without Consent” Search

Staff authorised by the Headteacher can seize anything they have reasonable grounds to believe is a “Prohibited Item” or is evidence in relation to an offence.

- **Alcohol** may be retained as evidence and then disposed of appropriately.
- **Controlled drugs** must be delivered to the Police as soon as possible but may be disposed of if the Headteacher thinks there is good reason to do so.
- **Other substances** such as so called 'legal highs' which are not believed to be controlled drugs can be confiscated where staff believe them to be harmful or detrimental to good order and discipline.
- **Stolen items** must be delivered to the Police as soon as reasonably practicable but may be returned to the owner if the Headteacher thinks there is good reason to do so.
- **Tobacco/Cigarette Papers** may be retained as evidence and then disposed of by the Headteacher.
- **Fireworks** must be retained as evidence and then disposed of by the Headteacher.

Screening, Searching and Confiscation policy: guidance for school staff

- **Pornographic Images** may be retained as evidence and then may be disposed of unless its possession constitutes a specified offence – in which case it must be delivered to the Police by the Headteacher.
- **Articles that have (or could be) used to commit an offence or cause personal injury or damage to property** may be delivered to the Police or can be retained and then disposed of by the Headteacher.
- **Weapons or Items Which Are Evidence of an Offence** must be passed to the Police by the Headteacher as soon as possible.
- **Items banned (or their use restricted) under the 'school rules'** - the staff member should take into account all relevant circumstances and use their professional judgement to decide whether to return it to its owner, retain it or dispose of it.

3.8 Statutory Guidance on the Disposal of Controlled Drugs and Stolen Items

It is the Headteachers decision as to whether there is a good reason not to deliver stolen items or controlled drugs to the police. In determining what is a “good reason” for not delivering controlled drugs or stolen items to the police the member of staff must have regard to the following guidance issued by the Secretary of State:

- In determining what is a good reason for not delivering controlled drugs or stolen items to the police, the member of staff will take into account all relevant circumstances and use their professional judgement to determine whether they can safely dispose of a seized article.
- Where staff are unsure as to the legal status of a substance and have reason to believe it may be a controlled drug they should treat it as such.
- With regard to stolen items, it would not be reasonable or desirable to involve the police in dealing with low value items such as pencil cases. However, staff may judge it appropriate to contact the police if the items are valuable (iPods/laptops) or illegal (alcohol/fireworks).

3.9 Statutory Guidance for Dealing with Electronic Devices and Mobile Phones

Where a member of staff authorised by the Headteacher finds an electronic device/mobile phone during a search, they may examine any data on the device if they think there is good reason to do so. They may also delete data or files if they think there is a good reason to do so, unless they are going to give the device to the police.

A “good reason” for examining the contents of such devices is: where the staff member reasonably suspects that the data or file on the device in question has been, or could be, used to cause harm, to disrupt teaching or break the school rules.

If inappropriate material is found on the device the staff member must refer this material in accordance with the procedures set out in the Child Protection and Safeguarding Policy.

4. SCREENING

4.1 What the law allows

Any member of staff 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 with or without consent of the pupil.

Screening, Searching and Confiscation policy: guidance for school staff

At Bishop Stopford School a phone call is made home to acknowledging that screening without consent has taken place, a record is kept on CPOMS.

4.1.1 Students who refuse to be screened

If a student refuses to be screened, the Headteacher has the right to refuse to permit the student on to the school site.

If a student fails to comply, and the school does not let the student on site, parents/carers will be informed and this will be treated as unauthorised absence and not exclusion.

5.0 TRAINING STAFF FOR SEARCHES, SCREENING AND CONFISCATION PROCEDURES

When authorising a member of staff to undertake searches, screening or the confiscation of items the Headteacher will consider whether the member of staff requires any additional training to enable them to carry out their responsibilities.

6.0 COMMENTS AND COMPLAINTS POLICY RELATED TO THIS POLICY

Students, parents, staff and governors with comments or complaints regarding matters covered by this policy are referred to the procedures contained within the schools' Complaints Policy.

7.0 OTHER ASSOCIATED POLICIES TO BE READ IN CONJUNCTION WITH THIS DOCUMENT

- Behaviour Policy
- Child Protection and Safeguarding Policy
- Complaints Policy
- Use of Physical Restraint Policy

Appendix 1: Recording of a search proforma

Student Name:	
Date:	
Time:	
Reason for search:	
Search conducted by:	
Witnessed by:	
Items found:	
Items confiscated:	
Follow up actions:	
Parent/Carer informed:	