

Term of policy: Every 3 years

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Consulted with JCC? Yes No

Introduction

This policy replaces any previous policy and follows the DfE regulations.

As part of our commitment to meet the Public Sector Equality Duty (PSED) requirement, to have due regard to the need to eliminate discrimination, advance equality of opportunity and foster good relations, we have carefully considered the impact of this policy on equality. The school will ensure that this policy is applied fairly to all employees and does not have a negative impact on students or staff with protected characteristics, race, sex, religion and belief, sexual orientation, age, disability, gender reassignment, marriage and civil partnership and pregnancy and maternity.

This policy replaces any previous policy and follows the DfE regulations. In line with the School's Equal Opportunities and Special Educational Needs policies, we aim to give all students equal opportunities to take part in all aspects of School life, as far as is appropriate, practical and compatible with giving regard to health and safety and the efficient education of other students. The Tithe Academy Trust understands that children and young people are growing up in an increasingly complex world and living their lives seamlessly on and offline. This presents many positive and exciting opportunities, but also challenges and risks. In this environment, children and young people need to know how to be safe and healthy and how to manage their academic, personal and social lives in a positive way.

This policy is based upon the School's commitment to the development and maintenance of good behaviour and a positive and inclusive ethos for all members of the School community.

This policy is based on legislation and advice from the Department for Education (DfE) on:

- [Searching, screening and confiscation: advice for schools 2022](#)
- [The Equality Act 2010](#)
- [Keeping Children Safe in Education](#)

Summary of Procedure

Searching

Authorised staff detailed by the Headteacher have statutory power to search students or their possessions, where they have reasonable grounds for suspecting that the students may have a prohibited item. Prohibited items are: -

- Knives or weapons
- Alcohol
- Illegal drugs and drug paraphernalia
- Stolen items
- Tobacco, vaping devices, lighters, e-cigarettes, matches and cigarette papers.
- Fireworks
- Pornographic material

Any article that the member of staff reasonably suspects has been or is likely to be used to commit an offence or cause personal injury or damage to the property of any person or the school environment.

Under common law, school staff have the power to search a student for any item if the student agrees. The members of staff should ensure the student understands the reason for the search and how it will be conducted so that their agreement is informed.

When exercising their powers, schools must consider the age and needs of 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.

The role of the Headteacher, the Designated Safeguarding Lead and authorised members of staff

Only the Headteacher, or a member of staff authorised by the Headteacher, can carry out a search. The Headteacher can authorise individual members of staff to search for specific items, or all items set out in the school's behaviour policy.

The Headteacher should 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 students and staff with support from the Designated Safeguarding Lead and Deputies.

The Designated Safeguarding Lead (or Deputies) should be informed of any searching incidents where the member of staff had reasonable grounds to suspect a student was in possession of a prohibited item. The staff member should also involve the Designated Safeguarding Lead (or Deputies) without delay if they believe that a search has revealed a safeguarding risk.

If the Designated Safeguarding Lead (or deputies) 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 (or deputies) should then consider the circumstances of the student who has been searched to assess the incident against potential wider safeguarding concerns.

The authorised member of staff should always seek the co-operation of the student before conducting a search. If the student 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 instruction.
- are unaware of what a search may involve.

If a student continues to refuse to co-operate, the member of staff may sanction the student in line with Rooks Heath's behaviour policy, ensuring that they are responding to misbehaviour consistently and fairly.

If the member of staff still considers a search to be necessary, but is not urgently required, they should seek the advice of the Headteacher, Designated Safeguarding Lead (or deputies) or pastoral member of staff who may have more information about the student. During this time the student should be supervised and kept away from other students.

If the student still refuses to co-operate, the parent/carer should be contacted and advised to come into school to assist with the search. Police may be contacted if the school deems it necessary.

During a search

An appropriate location for the search should be found. Where possible, this should be away from other students. There must always be two members of staff present when a search is taking place. One of these members of staff needs to be SLT. If possible, the member of staff conducting the search should be the same sex as the student, however if a staff member of the same sex is not available, the search will still take place with two members of staff.

The extent of the search

The authorised member of staff may search a student's outer clothing, for example coats and blazers once they have been removed. The student may be asked to turn their pockets inside out, a student may also be asked to pull their trouser leg up over their ankle to check socks and to remove their shoes. Bags and lockers may also be searched. The member of staff may use a safety wand (metal detector) to assist with the search.

Strip searching

A strip search is a search involving the removal of more than outer clothing. Strip searches on 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. While the decision to undertake the strip search itself and its conduct are police matters, school staff retain a duty of care to the student(s) involved and should advocate for student wellbeing at all times.

Before calling police into school, staff should assess and balance the risk of a potential strip search on the student's mental and physical wellbeing and the risk of not recovering the suspected item.

Staff should consider whether introducing the potential for a strip search through police involvement is absolutely necessary, and should always ensure that other appropriate, less invasive approaches have been exhausted.

Unless there is an immediate risk of harm and where reasonably possible, in advance of a search, staff should inform a parent/carer that the student is suspected of concealing a prohibited item. For full details of procedures refer to the [DfE Searching, Screening and confiscation guidance](#).

After a search

Whether or not any items have been found as a result of any search, schools should consider whether the reasons for the search, the search itself, or the outcome of the search give cause to suspect that the student is suffering, or is likely to suffer harm, and/or whether any specific support is needed. Where this may be the case, school staff should follow the school's child protection policy and speak to the Designated Safeguarding Lead (or Deputy) as set out in [Part 1 of Keeping children safe in education](#). They will consider if pastoral support, an early help intervention or a referral to children's social care is appropriate.

If a student is found to be in possession of a prohibited item listed in page 3, then the staff member should alert the Designated Safeguarding Lead (or Deputy) and the student should be sanctioned in line with the school's behaviour policy to ensure consistency of approach.

The power to seize and confiscate items – general

- The School's general power to discipline, as circumscribed by Section 91 of the Education and Inspections Act 2006, enables an authorised member of staff to confiscate, retain or dispose of a student's property as a disciplinary penalty, where reasonable to do so.
- The authorised member of staff can use their discretion to confiscate, retain and/or destroy any item found as a result of a search, so long as it is reasonable in the circumstances. Where any article is reasonably suspected to be an offensive weapon, it must be passed to the police.
- 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.

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

Items found as a result of a search:

- The authorised member of staff 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.
- Where the authorised member of staff conducting a search finds alcohol, they may dispose of it.

This means that the School can dispose of **alcohol** as they think appropriate but this should not include returning it to the student.

- Where the authorised member of staff finds **controlled drugs**, these must be handed to the police as soon as possible but may be disposed of if the authorised member of staff thinks there is a good reason to do so.
- Where the authorised member of staff finds **other substances**, which are not believed to be controlled drugs, these can be confiscated where they believe them to be harmful or detrimental to good order and discipline. This would include, for example, so-called 'legal highs'.
- Where authorised member of staff suspect a substance may be controlled, they should treat them as controlled drugs as outlined above.
- Where the authorised member of staff finds **stolen items**, these must be handed to the police as soon as reasonably practicable – but may be returned to the owner (or may be retained or disposed of if returning them to their owner is not practicable) if the authorised member of staff thinks that there is a good reason to do so.
- Where the authorised member of staff finds **tobacco, vapes, e-cigarettes, cigarette papers or drug paraphernalia** they may dispose of them. As with alcohol, this means that the School can dispose of tobacco, vapes, cigarette papers or drug paraphernalia as they think appropriate but this should not include returning them to the student.
- **Fireworks** found as a result of a search may be disposed of but should not be returned to the student.
- Any **weapons or items which are evidence of a suspected offence** must be handed to the police as soon as possible.
- Items that **have been (or are likely to be) used to commit an offence or to cause personal injury or damage to property** should be delivered to the police as soon as reasonably practicable, returned to the owner, retained or disposed of.
- If an authorised 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 relation to an offence and decide not to give the device to the police. The authorised member of staff and the Headteacher decide whether it is appropriate to delete any files or data from the device or to retain the device as evidence of a breach of School discipline.
- All School staff should be aware that behaviours linked to sexting put a child in danger.
- Governing bodies should ensure sexting and the School's approach to it is reflected in the child protection policy.

Recording searches

Any search by a member of staff for a **prohibited item** and all searches conducted by police officers should be recorded on MyConcern and on the Mobile phone Screening and record of searches log, including whether or not an item is found. This will allow the Designated Safeguarding Lead (or Deputy) to identify possible risks and initiate a safeguarding response, if required. Staff members should follow the school policy in these cases.

- the date, time and location of the search.
- name of student searched.
- who conducted the search and any other adults or students present.

- what was being searched for.
- the reason for searching.
- what items, if any, were found.
- what follow-up action was taken as a consequence of the search.

Informing parents

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

Any complaints about searching, screening or confiscation should be dealt with through the normal school complaints procedure.

Screening

The school may require students to undergo random screening via a safety wand (handheld metal detector) or a walk-through safety arch, even if they do not suspect them of having a prohibited item. The school's statutory power to make rules on student behaviour and their duty as an employer, in order to manage the safety of staff, students and visitors, enables them to impose a requirement that students may undergo screening.

If a the Headteacher decides to introduce a screening arrangement, they should inform students and parents in advance to explain what the screening will involve and why it will be introduced.

Where a student has a disability, the school will make any reasonable adjustments to the screening process that may be required.

If a student refuses to be screened, the authorised member of staff should consider why the student is not co-operating and make an assessment of whether it is necessary to carry out a search.

Dealing with electronic devices

- Electronic devices, including mobile phones, can contain files or data which relate to an offence, or which may cause harm to another person. This includes, but is not limited to, indecent images of children, pornography, abusive messages, images or videos, or evidence relating to suspected criminal behaviour.
- As with all prohibited items, staff should first consider the appropriate safeguarding response if they find images, data or files on an electronic device that they reasonably suspect are likely to put a person at risk.
- If the member of staff conducting the search suspects they may find an indecent image of a child (sometimes known as nude or semi-nude images), the member of staff should never intentionally view the image, and must never copy, print, share, store or save such images. When an incident might involve an indecent image of a child and/or video, the member of staff should confiscate the device, avoid looking at the device and refer the incident to the Designated Safeguarding Lead (or Deputy) as the most appropriate person to advise on the school's response. Handling such reports or concerns can be especially complicated and schools should follow the principles as set out in

Keeping children safe in education.

- The UK Council for Internet Safety also provides the following guidance to support school staff and Designated Safeguarding Leads: Sharing nudes and semi-nudes: advice for education settings working with children and young people.
- Where the authorised member of staff conducting the search finds an electronic device that is prohibited by the school rules or that they reasonably suspects has been, or is likely to be, used to commit an offence or cause personal injury or damage to property, they may examine any data or files on the device where there is a 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 hand the device to the police.
- There is no need to have parental consent to search through a student's electronic device if it has been seized in a lawful search and is prohibited by the School rules or is reasonably suspected of being, or being likely to be, used to commit an offence or cause personal injury or damage to property.
- In determining a 'good reason' to examine or erase the data or files the authorised staff member should reasonably suspect that the data or file on the device in question has been, or could be, used to cause harm, to disrupt teaching and learning or break the School rules.
- If an electronic device that is prohibited by the School rules has been seized and the authorised member of staff has reasonable grounds to suspect that it contains evidence in relation to an offence, they must give the device to the police as soon as it is reasonably practicable. Material on the device that is suspected to be evidence relevant to an offence, including a pornographic image of a child or an extreme pornographic image, should not be deleted prior to giving the device to the police.

Confiscation as a disciplinary penalty

Schools' general power to discipline enables an authorised member of staff to confiscate or dispose of a pupil's property as a disciplinary penalty, where reasonable to do so.

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.