

Searching, Screening and Confiscation Policy

Version	Author	Dated	Status	Details
1	Compliance Officer	23.05.2019	Agreed	By Trustees
2	Head of Governance & Safeguarding School Improvement	18.10.2022	Agreed	By Trustees
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Background:

This policy is based on the Department for Education advice for head teachers, school staff, Trustees and governing bodies ' <https://www.gov.uk/government/publications/searching-screening-and-confiscation>

Objectives of this Policy

To outline the policy and legal powers the Academy has for screening and searching pupils. It also outlines the powers the Academy has to seize and then confiscate items found during a search.

References below to 'the Head teacher' includes the Executive Head teacher, Head teacher or acting Head teacher as appropriate.

Links with other Policies

Elevate/Academy Behaviour & Anti Bullying policy

Elevate Exclusions policy

Elevate Complaints policy

Searching

- 🌿 Searches will only be carried out by a member of staff who has been authorised to do so by the head teacher, or by the head teacher themselves.
- 🌿 Subject to the exception below, the authorised member of staff carrying out the search will be of the same sex as the child, and there will be another member of staff present as a witness to the search.
- 🌿 An authorised member of staff of a different sex to the child can carry out a search without another member of staff as a witness if:
 - The authorised 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 child; **or**
 - It is not reasonably practicable for the search to be carried out in the presence of another member of staff.
- 🌿 When an authorised member of staff conducts a search without a witness they should immediately report this to another member of staff, and ensure a written record of the search is kept.
- 🌿 If the authorised member of staff considers a search to be necessary, but is not required urgently, they will seek the advice of the head teacher, designated safeguarding lead (or deputy) (DSL or DDSL) or pastoral member of staff who may have more information about the child. During this time the child will be supervised and kept away from other children.
- 🌿 A search can be carried out if the authorised member of staff has reasonable grounds for suspecting that the child is in possession of a prohibited item or any item identified in the Academy rules for which a search can be made, or if the child has agreed.

An appropriate location for the search will be found. Where possible, this will be away from other children. The search will only take place on the Academy premises or where the member of staff has lawful control or charge of the child, for example on a school trip.

Before carrying out a search the authorised member of staff will:

- Assess whether there is an urgent need for a search
- Assess whether not doing the search would put other children or staff at risk
- Consider whether the search would pose a safeguarding risk to the child

- Explain to the child why they are being searched
- Explain to the child what a search entails – e.g. I will ask you to turn out your pockets and remove your scarf
- Explain how and where the search will be carried out
- Give the child the opportunity to ask questions
- Seek the child's co-operation

If the child refuses to agree to a search, the member of staff can give an appropriate behaviour sanction.

If they still refuse to co-operate, the member of staff will contact the head teacher, to try and determine why the child is refusing to comply.

The authorised member of staff will then decide whether to use reasonable force to search the child. This decision will be made on a case-by-case basis, taking into consideration whether conducting the search will prevent the child harming themselves or others, damaging property or from causing disorder.

The authorised member of staff can use reasonable force to search for any prohibited items listed below, but not to search for items that are only identified in the Academy rules.

The authorised member of staff may use a metal detector to assist with the search.

An authorised member of staff may search a child's outer clothing, pockets, possessions, desks or lockers.

Outer clothing Includes

Any item of clothing that is not worn immediately over a garment that is being worn wholly next to the skin or being worn as underwear (e.g. a jumper or jacket being worn over a t-shirt)

Hats, scarves, gloves, shoes, boots

Searching Children's Possessions

Possessions means any items that the child has or appears to have control of, including:

Desks

Lockers

Bags

A child's possessions can be searched for any item if the child agrees to the search. If the child does not agree to the search, staff can still carry out a search for prohibited items (listed below) and items identified in the Academy's rules.

An authorised member of staff can search a child's possessions when the child and another member of staff are present.

If there is a serious risk of harm if the search is not conducted immediately, or it is not reasonably practicable to summon another member of staff, the search can be carried out by a single authorised member of staff.

Prohibited items are:

-  Knives or weapons,
-  Alcohol,
-  Illegal drugs,
-  Stolen items,
-  Tobacco and cigarette papers including vaping machines,
-  Fireworks,
-  Pornographic images,

- ✿ 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 child),
- ✿ The head teacher and authorised staff can also search for any item banned by the Academy rules, which has been identified as an item which may be searched for.

Informing the Designated Safeguarding Lead (DSL)

The staff member who carried out the search should inform the DSL without delay:

- ✿ Of any incidents where the member of staff had reasonable grounds to suspect a child was in possession of a prohibited item as listed above;
- ✿ If they believe that a search has revealed a safeguarding risk

All searches for prohibited items as listed above, including incidents where no items were found, will be recorded on CPOMs.

Informing Parents

Parents will always be informed of any search for a prohibited item as listed above. A member of staff will tell the parents as soon as is reasonably practicable:

- ✿ What happened
- ✿ What was found, if anything
- ✿ What has been confiscated, if anything
- ✿ What action the Academy has taken, including any sanctions that have been applied to their child

Support after a Search

Irrespective of whether any items are found as the result of any search, the Academy will consider whether the child may be suffering or likely to suffer harm and whether any specific support is needed (due to the reasons for the search, the search itself, or the outcome of the search).

If this is the case, staff will follow the Academy's Child Protection and Safeguarding policy and speak to the DSL. The DSL will consider if pastoral support, an early help intervention or a referral to children's social care is appropriate.

Confiscation

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

Strip Searches

The authorised member of staff's power to search outlined above does not enable them to conduct a strip search (removing more than the outer clothing) and strip searches on school premises shall only be carried out by police officers in accordance with the Police and Criminal Evidence Act 1984 (PACE) Code C.

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

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

Once the police are on school premises, the decision on whether to conduct a strip search lies solely with them. The Academy will advocate for the safety and wellbeing of the child/ren involved. Staff retain a duty of care to the child involved and should advocate for pupil wellbeing at all times.

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 child's device, the DSL will decide whether they should delete that material, retain it as evidence (of a criminal offence or a breach of Academy 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 Academy may delete files or data if they believe there is good reason (it could cause harm, disrupt teaching or break the Academy rules) to do so and they are not needed to be given to the police.

Schools Obligation under the EU Convention on Human Rights

Under article 8 of the European Convention on Human Rights, children have a right to respect for their private life. In the context of these particular powers, this means that children have the right to expect reasonable level of personal privacy. ^[LSEP] The right under Article 8 is not absolute, it can be interfered with but any interference with this right by a school must be justified and proportionate. The powers of search in **the Education Act 1996** are compatible with Article 8.

Screening

Schools can require children to undergo screening by a walk-through or hand-held metal detector. The Academy not have such devices. The advice will be kept under review and updated as necessary.