



Walhampton

Searching and Confiscation Policy

Drafted by: SLT
Approved by: Head
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ISI Policy Nos.:

Introduction

This policy sets out the school's framework for responding to a student having, or suspected of having a prohibited item. This policy is linked with the Department for Education document, "Searching, Screening & Confiscation – Advice for Headteachers, staff and governing bodies" (DfE, Feb 2014, updated September 2016), the Education and Inspections Act 1996, and the Education Act 2011.

1. Related Policies

- Behaviour Policy
- Child Protection Policy

This Policy has been written with regard to the statutory guidance Screening, Searching and Confiscation. (This policy only applies in England. For trips outside England please consult with Pastoral Deputy Head)

2. Search with Consent

The school staff may search a pupil with their consent for any item. Appropriate consideration will be given to factors that may influence the pupil's ability to give consent.

3. Search without Consent

In relation to prohibited items, as defined below, the Head, and staff authorised by the Head (listed below), may search a pupil or a pupil's possessions, without their consent, where they have reasonable grounds for suspecting that a pupil has a prohibited item in their possession.

Authorised Members of Staff:

Head of Boarding
Deputy Head (Pastoral)
Head of Pre-Prep
Head of Juniors
SLT
Offsite Trip Leaders

a) Prohibited items

Knives or weapons; alcohol; illegal drugs; psychoactive drugs; stolen items; smoking paraphernalia including vaps, fireworks; and pornographic images;

Any article that a member of staff reasonably suspects has been, or is likely to be, used to commit an offence or cause personal injury to or damage to the property of any person (including the pupil);

If the pupil refuses, sanctions will be applied (in line with the schools' Behaviour Policies).

b) Location of Search

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 pupil, for example on school trips, whether in the UK or abroad.

4. Searches Generally

a) If staff believe a pupil is in possession of a prohibited item, it may be appropriate for a member of staff to carry out. The search must always be carried out by **two** members authorised staff.

- **a search of outer clothing.** The person conducting the search may not require the pupil 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. 'Outer clothing' includes hats, shoes, boots, gloves and scarves.
- **a search of school property**, e.g. pupils' lockers or desks
- **a search of personal possessions.** 'Possessions' means any goods over which the pupil has or appears to have control – this includes desks, lockers and bags. Under common law powers schools are able to search lockers and desks for any item provided the pupil agrees. Schools can also make it a condition of having a locker or desk that the pupil consents to have these searched for any item whether or not the pupil is present. 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.
- **A search for an electronic device.** Where the person conducting the search finds an electronic device they may examine data or files on the device if they think there is a good reason to do so. Following an examination, if the person has decided to return the device to the owner, or to retain or dispose of it, they may erase any data or files, if they think there is a good reason to do so.

Also note: *the power to search without consent enables a personal search, involving removal of outer clothing and searching of pockets; but not an intimate search going further than that, which only a person with more extensive powers (e.g. a police officer) can do.*

- Searches will be conducted in such a manner as to minimise embarrassment or distress. Any search of a pupil or their possessions will be carried out in the

- presence of the pupil and another member of staff.
- Where a pupil is searched, the searcher and the second member of staff present will usually be the same gender as the pupil. However, this may not be the case where it is reasonably believed that serious harm may be caused if the search is not carried out immediately and it is not practical to summon another member of staff.
 - Where the Head, or staff authorised by the Head, find anything which they have reasonable grounds for suspecting is a prohibited item, they may seize, retain and dispose of that item as appropriate in accordance with the DfE guidance (*Screening, Searching and Confiscation Feb 2014 updated September 2016*)

5. Record Keeping and Informing Parents

A record will be made of any individual searches that take place and this will be placed on the pupil's file. These will include the reasons why, who was present and whether anything was found. (See Appendix 1)

In the case of a search such as a boarding house search or the searching of a group of lockers, record will be kept in Bradfield House.

If an individual is found to have any prohibited item in their possession this will be recorded on their file. Parents or guardians should be informed if alcohol, illegal drugs or potentially harmful substances are found; though there is no legal requirement to do so. If the matter is considered significantly serious, the parents may be invited in to discuss the matter with the Head or Pastoral Deputy Head or a person that they authorise. This would always happen where a serious sanction was being considered (in line with the schools' Behaviour Policies).

6. Confiscated Items

- Staff must seize any prohibited or banned item found during the search.
- Items which are evidence of an offence must be passed to the Police as soon as possible.
- Any seized substance whose legal status is unsure should be treated as a controlled drug.
- Any substance believed to be a 'legal high' will be confiscated.
- The Senior Nurse should be informed of any 'sharp' items seized to arrange safe storage / disposal.
- Alcohol, tobacco, cigarette papers and e-cigarettes which have been seized should be disposed of.
- All other items should be handed to the Pastoral Deputy Head immediately where it will be recorded on the schools' CPOMS system and then locked away before disposal once disciplinary matters are concluded.

7. Complaints

Complaints about screening or searching should be dealt with through the normal school complaints procedure.

Appendix 1

Search and Confiscation – Record

[To be completed in accordance with Search and Confiscation Policy]

Date / Time of search	
Pupil / pupils searched	
House	
Year / Year groups	
Member of staff in charge (must be Hm / Deputy Head / SLT and same gender as pupil except in emergency situations)	
Second member of staff present (same gender as pupil)	
Location where search takes place	
Reason for search	
Consent given by pupil? Yes / No	
If Yes , pupil signs here or for large numbers attach sheet	
If No , please give 'reasonable grounds' for search	
Was anything prohibited found – please give details?	
If Yes please note what action has been taken e.g. referral to senior staff, parents / guardians / police informed. How have items been disposed of?	

Signed:	
Dated:	