Searching and Confiscation Policy

1 Scope

1.1 This policy is a whole school policy and relates to both the senior school and junior school (including the Early Years Foundation Stage).

1.2 This policy should also be referred to in conjunction with the School's *Reasonable Force and Other Physical Contact policy and Safeguarding and Child Protection policy.*

1.3 *Reflecting the unique nature of the boarding environment, there is further guidance regarding searching and confiscation in the boarding handbook.*

2 Aims

2.1 This policy sets out the circumstances in which school staff may search students and/or their possessions and the means by which it should be done, in accordance with the Education and Inspections Act 2006 and DfE advice on *Searching, screening and confiscation* (July 2022).

3 Introduction

3.1 The School is committed to safeguarding and promoting the welfare of the members of its community. In the general course of school life, given students' good conduct overall and the positive relationships between students and staff, it is unlikely that searching students will be necessary. There may, however, be some occasions when such a search is needed. In such circumstances, the provisions of this policy should be followed. The School will consider its obligation under the European Convention on Human Rights, Article 8, which states that pupils have a right to respect for their private life.

3.2 The power to search remains a vital tool in ensuring the highest standards of welfare and safeguarding are met. The School recognises that items found as part of a search may indicate that a child or young person would benefit from early help.

4 Who may conduct a search?

4.1 School staff can search a student for any item banned under the school rules, if the student agrees.

4.2 Where consent is not given, only the Head and staff authorised by him/her may conduct a search. Authorised staff include members of Leadership Meeting, Heads of Year, the Heads of Boarding Houses of the student(s) concerned, and, in the case of a search to be carried out while on a school trip, the leader of the trip.

4.3 The Head may at any time authorise other members of staff to carry out a search.

4.4 A member of staff has the right to refuse to undertake a search.

5 Searching with consent

5.1 In all circumstances the consent of the student to any search should be requested. A student's ability to give consent may be influenced by his/her age or other factors.

5.2 Formal written consent from the student for this sort of search is not required – it is enough for a teacher to ask the student to turn out his/her pockets or if the teacher can look in the student's bag or locker and for the student to agree.

5.3 Refusal by a student to co-operate with such a search is not an admission of guilt, but the matter should be referred to the Deputy Head to decide what further action, if any, is required.

5.4 A student refusing to co-operate with a search raises the same kind of issues as where a student refuses to stop any other unacceptable behaviour when instructed by a member of staff, and may be subject to an appropriate sanction in accordance with the school's Behaviour policy.

6 Searching without consent

6.1 The Head and staff authorised by him/her have a statutory power to search students or their possessions, without consent, where they have reasonable grounds to suspect the student has certain 'prohibited items'. These are:

(a) knives or weapons

(b) alcohol

(c) illegal drugs

(d) stolen items

(e) tobacco and cigarette papers

(f) vapes/vaping materials

(g) fireworks

(h) pornographic images

(i) 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 to property; and

(j) any item banned by the school rules which has been identified in the rules as an item which may be searched for.

6.2 The person conducting the search must be the same sex as the student being searched, and there must be a witness (also a staff member) who, if at all possible, should be the same sex as the student being searched.

6.3 There is a limited exception to this rule. An authorised member of staff can carry out a search of a student of the opposite sex and without a witness present, but only where the staff member reasonably believes that there is a risk that serious harm will be caused to a person if s/he does not conduct the search immediately and where it is not reasonably practicable to summon another member of staff. The requirement that the searcher is the same sex as the student and that a witness is present will continue to apply in nearly all searches. Where it is practicable to summon a staff member of the same sex as the student and a witness then the teachers wishing to conduct a search must do so.

7 Establishing grounds for a search

7.1 Authorised staff can only undertake a search without consent if they have reasonable grounds for suspecting that a student may have in his/her possession a prohibited item. The staff member must decide in each particular case what constitutes reasonable grounds for suspicion. For example, they may have heard other students talking about the item or they might notice a student behaving in a way that causes them to be suspicious.

7.2 In the exceptional circumstances when it is necessary to conduct a search of a student of the opposite sex or in the absence of a witness, the member of staff conducting the search should bear in mind that a student's expectation of privacy increases as they get older.

7.3 Authorised staff are allowed to search irrespective of whether or not the student is subsequently found to have that item. This includes circumstances where staff suspect a student of having items such as illegal drugs or stolen property which are later found not to be illegal or stolen.

7.4 Authorised School staff can view CCTV footage in order to make a decision as to whether to conduct a search for an item.

8 Extent of a search

8.1 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.

8.2 'Possessions' means any goods over which the student has or appears to have control. This includes desks, lockers and bags.

8.3 A student's possessions can only be searched in the presence of the student 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.

8.4 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.

9 Use of reasonable force

9.1 Authorised 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. Such force cannot be used to search for items banned under the school rules.

10 Location of a search

10.1 A search without consent can be carried out on the school premises or in other locations where the member of staff has lawful control or charge of the student, for example on school trips.

11 Confiscation of items

11.1 Members of staff carrying out a search are allowed to seize anything they have reasonable grounds for suspecting is a prohibited item or is evidence in relation to an offence.

11.2 In determining what further action to take, the school will have regard to statutory guidance and DfE advice in *Searching, screening and confiscation* (January 2022).

12 Record of a search

12.1 Any member of staff who conducts a search with consent must report it (and the outcome of the search) to the Deputy Head / Head of BJS.

12.2 In the case of a search without consent, an incident report should be completed and sent to the Deputy Head/Head of BJS. A copy of the report should be kept on the school file of the student(s) concerned and logged on CPOMS.

12.3 If through a search, the DSL discovers that a student is at risk of harm, then a referral to Children's Social Care and/or the police will be made immediately.

13 Informing parents

13.1 The School is committed to working in partnership with parents and parents will be informed, wherever practicable, about the grounds for a search in advance of the search taking place.

13.2 Parents will always be informed of the results of a search for any of the prohibited items in section 6.1 and the outcome of any school based sanctions.

14 Complaints

14.1 Any complaint about a search will be dealt with through the school's complaints procedure.