

Loving God - Caring for Each Other - Achieving Excellence

POLICY Screening, Confiscation & Search Academic Year 2023-24

This Policy reflects the new DfE guidance on screening, confiscation & search.

As a school we need to prioritize safeguarding of students and have a duty of care to all pupils in school. This means we need to balance:

- The need to safeguard all pupils by confiscating harmful, illegal, or disruptive items.
- The safeguarding needs and wellbeing of pupils suspected of possessing these items.

The 'best interests' of the child should be our primary consideration. Consideration of the age and needs of the pupils being searched, this includes those with SEND, reasonable adjustments will need to be made for those with SEND

Keeping Children Safe in Education (KCSIE 2023) sets out the statutory duty of all staff to make sure that they make decisions in the best interests of the child. This applies to decisions to search pupils and confiscate items.

Staff need to be vigilant about possible biases affecting our decision to search a pupil.

As a school we should also consider that all pupils have a right to expect a reasonable level of personal privacy, under Article 8 of the European Convention on Human Rights.

Any 'interference' with this right by the school must be justified and proportionate.

While we will only search a pupil if we have a good reason to, we will consider that, for the pupil, it could infringe upon their wellbeing and rights in several different ways. In due regard we are aware that some examples that children may feel are:

- Physical loss of privacy when clothes, bags, or possessions are searched.
- Loss of a sense of security, if they feel they are being monitored and searched without reason.
- The impact to a pupil's dignity or reputation if they are unduly searched or suspected of possessing prohibited items.

School staff will be vigilant to bias and use data from our record of searches to see if any groups are disproportionately subject to searches.

We will treat confiscations as a safeguarding issue:

- children in possession of drugs, alcohol or weapons should be considered vulnerable and at risk of exploitation.

The DSL will make referrals to MASH if they find evidence that a child is at risk of harm

At Crompton House, staff who conduct a search that reveals a risk or that the evidence that gave staff reasonable grounds to suspect that a pupil was in possession of a prohibited item, MUST inform the DSL.

- School staff can use CCTV to decide whether to conduct a search.

What can be searched for: Prohibited Items

- Knives or weapons.
- Alcohol.
- Illegal drugs.
- Stolen items.
- Tobacco and cigarette papers.
- 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, or damage to property.

Any item banned by the school rules.

Eg: Electronic cigarettes, aka Vapes, Geek Bars, Liquid Nicotine, Energy Drinks, Laser pens & Chewing gum, and any item banned in law to only be possessed to people over the age of 18.

The school behaviour policy reflects those items that are prohibited and also banned under the school rules.

Who can search?

Only the headteacher and members of staff authorised by the headteacher have the power to search a pupil for a prohibited or banned item, regardless of whether the pupil agrees (sections 550ZA and 550ZB of the Education Act 1996)

At Crompton House, this is any member of the SLT/ HOY/ AHOY

Key points being:

- the staff member has reasonable grounds for suspecting that the pupil is in possession of a prohibited or item banned under the school rules.
- Or that the pupil has agreed to the search.

Conducting the search:

- The person carrying out the search must be the same sex as the pupil being searched.
- There must be another member of staff present as a witness to the search - they don't have to be the same sex as the pupil.
- The only exception is if: the searcher reasonably believes that there is a risk of serious harm being caused to a person if a search isn't carried out urgently and it's not reasonably practical to summon another member of staff (to carry out the search or act as a witness) within the time available.
- When an authorised staff member conducts a search without a witness, they should immediately report it to another member of staff, and make sure that a record is kept.

How to carry out a search

Where

- An appropriate location for the search should be found. Where possible, this should be away from other pupils. The search must only take place on the school premises or where the member of staff has lawful control or charge of the pupil, for example on a school trip.

Who

- The law states the member of staff conducting the search must be of the same sex as the pupil being searched. There must be another member of staff present as a witness to the search.
- There is a limited exception to this rule. This is that a member of staff can search a pupil of the opposite sex and/or without a witness present only: if the 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 same sex as the pupil or it is not reasonably practicable for the search to be carried out in the presence of another member of staff.
- When a member of staff conducts a search without a witness they should immediately report this to another member of staff, and ensure a record of the search is kept.

The extent of the search

- A member of staff may search a pupil's outer clothing, pockets, possessions, desks or lockers.
- The person conducting the search must not require the pupil to remove any clothing **other than outer clothing**. 'Outer clothing' means any item of clothing that is not worn wholly next to the skin or immediately over a garment that is

being worn as underwear, as well as hats, shoes, boots or scarves.

- Possessions' means any goods over which the pupil has or appears to have control - this includes desks, lockers and bags.
- A member of staff is able to search lockers and desks or other personal spaces at the school for any item provided the pupil agrees.
- Schools can make it a condition of having the locker or space that the pupil agrees to have these searched.
- If the pupil withdraws their agreement to search, a search may be conducted both for the prohibited items listed and any items identified in the school rules for which a search can be made.
- 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.
- Only police can conduct a strip search
- School staff are not allowed to carry out strip searches, including the headteacher and authorised staff.

Only police **who have been asked to come** to the school may decide whether a search is necessary and carry it out. The police can only carry out a search if they: Think this is necessary to remove an item related to a criminal offence, and reasonably consider the pupil might have concealed such an item.

School will call the police as a last resort. We must always put the best interests of the child first and as such we must be sure that we have exhausted all other approaches. Staff must consider and carefully weigh up the risks to the pupil's mental and physical wellbeing with the need to conduct a search.

How to record searches.

- In school we will record any search made on CPOMS

It must be clear which items have been searched for, prohibited/ banned.

Whether there was police involvement.

A note items found or not found

This log will allow analysis of trends and patterns and allow for analysis of bias

School will use the proforma in Appendix 1 to record searched

What School can confiscate?

Authorised staff members can confiscate any item they find that they have reasonable grounds for suspecting:

- Poses a risk to staff or pupils
- Is a prohibited or banned item
- Is evidence in relation to an offence

Searching and confiscating electronic devices.

Authorised staff members may examine any data or files on an electronic device that they have confiscated, if they have good reason to do so. If this the case the DSL should be notified, and consideration given to safeguarding referrals.

Staff need to reasonably suspect that the device has (or could be used to):

- Cause harm
- Undermine the safe environment of the school or disrupt teaching
- Commit an offence

Screening:

Schools can screening students to help provide reassurance to pupils, staff and parents that the school is taking measures to create a calm, safe and supportive environment.

- Screening is the use of a walk-through or hand-held metal detector (arch or wand) to scan all pupils for weapons before they enter the school premises.
- School will use a hand held wand, to support the searching process for prohibited and banned items.

Schools' statutory power to make rules on pupil behaviour and their duties as employers in relation to the safety of staff, pupils and visitors enables them to impose requirement that pupils undergo screening.

- Where a pupil has a disability, school will make reasonable adjustments to the screening process that may be required to help the pupil understand the process. SENCO will be contacted in such cases.
- If a pupil refuses to be screened, staff should consider why the pupil is not co-operating, and make an assessment of whether it is necessary to carry out a search.

Confiscation

An authorised staff member carrying out a search can confiscate any item that they have reasonable grounds for suspecting:

- poses a risk to staff or pupils.
- Is prohibited, or identified in the school rules for which a search can be made.

- is evidence in relation to an offence.

Prohibited or illegal items

Controlled drugs must be delivered to the police as soon as possible unless there is a good reason not to do so. In these cases, the member of staff must safely dispose of the drugs.

In determining whether there is a good reason to dispose of controlled drugs, the member of staff must have regard to the following guidance below issued by the Secretary of State.

The member of staff should take into account all relevant circumstances and use their professional judgement to determine whether they can safely dispose of the controlled drug.

All items found that are Prohibited / illegal should be disclosed to the Headteacher.

- When 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.
- If the member of staff is in doubt about the safe disposal of controlled drugs, they should deliver them to the police.
- Other substances which are not believed to be controlled should also be delivered to the police, or disposed of as above, if the member of staff believes they could be harmful.
- Where a person conducting a search finds alcohol, tobacco, cigarette papers or fireworks, they may retain or dispose of them as they think appropriate but **should not return them** to the pupil.
- If a 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 offence (i.e. it is extreme or an indecent image of a child) in which case it must be delivered to the police as soon as reasonably practicable.
- Members of staff should never intentionally view any indecent image of a child (also sometimes known as nude or semi-nude images). Staff must never copy, print, share, store or save such images. The DSL should be informed immediately.

- Where a member of staff finds stolen items, these must be delivered to the police as soon as reasonably practicable. However, if there is good reason to do so, the member of staff may also return the item to the owner, or retain or dispose of it if returning them to their owner is not practicable.
- In determining whether there is a good reason to return the stolen item to its owner or retain or dispose of the item.
- The member of staff should take into account all relevant circumstances and use their professional judgement to determine whether they can safely dispose of the seized article. In taking into account the relevant circumstances, the member of staff should consider the following:
 - the value of the item - it would not be reasonable or desirable to involve the police in dealing with low value items such as pencil cases, though school staff may judge it appropriate to contact the police if the items are valuable;
 - whether the item is banned by the school;
 - whether retaining or returning the item to the owner may place any person at risk of harm; and whether the item can be disposed of safely.
 - Any weapons or items which are evidence of a suspected offence must be passed 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.

In deciding what to do with such an item, the member of staff must have regard to the guidance issued by the Secretary of State below

The member of staff should take into account all relevant circumstances and use their professional judgement to determine whether the item should be delivered to the police, retained, returned to the owner or disposed of. In taking into account all relevant circumstances the member of staff should consider:

- whether it is safe to dispose of the item; and
- whether and when it is safe to return the item.

If a member staff suspects a confiscated item has been used to commit an offence or is evidence in relation to an offence, the item should be delivered to the police.

Members of staff should use their judgement to decide to return, retain or dispose of any other items banned under the school rules.

The member of staff should take into account all relevant circumstances and use their professional judgement to determine whether they can safely dispose of the seized item. In taking into account all relevant circumstances, the member of staff should consider:

- the value of the item;
- whether it is appropriate to return the item to the pupil or parent; and
- whether the item is likely to continue to disrupt learning or the calm, safe and supportive environment of the school.

Policy Links to:

Safeguarding Policy

Behaviour Policy

Positive Handling Policy

SEND Policy


Document number APS-SCS2023/November 2023 adopted by Admissions Committee

Date 17th October 2023

Signed (Chair).....J Swift.....

Print NameJ Swift.....

Date of next review...October 2024

	SEARCHING/CONFISCATION & SCREENING REPORT FORM 2023 – 2024 Academic Year				
Lead Staff Member: Witness Staff Member: Date of Search: Location of Search:					
STUDENT NAME:		FORM:		GENDER:	
Summary of reason why the search was initiated:					
Item that is being searched for:					
Prohibited Item:	YES		NO		
Item Found:	YES		NO		
Reported to DSL:	YES		NO		
If not reported to DSL please state why:					
Parents Informed:	YES		NO		
Pupil Response:					
Summary of further actions (please list below:)					
Police Informed:	YES		NO		
Logged on CPOMS:	YES		NO		

