

Search Policy and Offensive Weapons Policy

Policy Monitoring, Evaluation and Review

This policy is effective for all academies within The Mead Educational Trust.

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Revision History:

| Version | Date | Author | Summary of Changes: |
|---------|---------------|----------------------------------|--|
| 5.0 | June 2020 | EMA | The addition of Appendix A-Procedures and protocols of conducting search COVID 19 addendum. |
| 4.0 | October 2018 | C Robson/ R Hindocha/ S Riley | Changed references from 'RMET' to 'TMET' and included references to Executive Principal. |
| 3.0 | February 2018 | C Robson | Updated to reflect government updates to the Searching, Screening and Confiscation Guidance January 2018. |
| 2.0 | August 2016 | A Rutherford | Revision to procedures and protocol when conducting a search as per Searching, screening, confiscation advice July 2015. Inclusion of dealing with electronic devices. |
| 1.0 | April 2015 | A Rutherford | Review of policy in accordance with conversion to MAT. |

Search Policy

1. Introduction

This policy has been developed to support each academy's Behaviour Management and Physical Intervention policies. It has been introduced primarily in order to safeguard pupils, but also to protect staff and others as well.

The policy is based on advice and guidance on powers available to principals and their staff conferred by several pieces of legislation, including the Education and Inspections Act 2006, the Violent Crime Reduction Act 2006 and the Criminal Justice Act 1988. The policy also will take note of obligations under the European Convention on Human Rights (ECHR) Article 8, which gives pupils the right to respect for their private life and a reasonable level of personal privacy.

2. Scope

There are occasions when it might be necessary to determine whether or not a student is in possession of a substance or object which might be harmful to themselves or others, illegal or which has been obtained in an unlawful manner. In such circumstances this search policy may be applied.

Key Points

- Academy staff can search any pupil for any item if the pupil agrees.
- Principals or staff authorised by them have a statutory power to search pupils or their possessions, **without consent**, where they have reasonable grounds for suspecting the pupil may have a prohibited item

Prohibited items are:

- 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 cause personal injury or damage to the property of any person, including the pupil.

3. Authorising members of staff

Within the Trust, screening and searches are carried out by the Principal/Executive Principal, or staff authorised by them. In each academy the Principal/Executive Principal will decide who to authorise to use these powers. Staff, other than security staff, can refuse to undertake a search. When designating a member of staff to undertake searches under these powers, the Principal/Executive Principal should consider whether the member of staff requires any additional training to enable them to undertake their responsibilities.

4. No-contact or low-contact screening

The academy can require pupils to undergo random screening for weapons without suspicion and without consent. For this purpose the school uses a hand-held metal detector (wand) which is a "no-contact" or "low-contact" (minimal contact of the wand with the pupil's clothes). The

academy might use occasional screening of randomly selected pupils whilst on the premises, for example, a class or year group.

Where a pupil refuses to be screened, the academy may refuse to have the pupil on the premises or on an off-site educational visit. Although the academy will not have excluded the pupil, the absence will be treated as unauthorised. Any refusal to attend school shall be investigated by the education welfare officer in the same way as any other unauthorised absence.

5. Establishing grounds for a search

Staff can only undertake a search without consent if they have reasonable grounds for suspecting a pupil may have in his or her possession a prohibited item.

6. Procedures and protocols when conducting a search

- The member of staff conducting the search must be the same sex as the pupil being searched and there must be a witness (also a staff member) who should if possible be of the same sex and the pupil being searched.
NB There is a limited exception to this rule. The Principal or authorised member of staff may carry out a search of a pupil of the opposite sex, with or without a witness present, but only if it is reasonably believed that 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. In all cases the search should bear in mind a pupil's expectation of privacy, which increases as they get older.
- The staff members conducting the search may not require the pupil to remove any clothing except outer clothing. (i.e. hats, shoes, boots, gloves, scarves, coats)
- Possessions mean any goods over which the pupil has or appears to have control, including, bags, desks, lockers.
- Members of staff can use such force as is reasonable given the circumstances, when conducting a search for prohibited items listed above.
- Dependent upon the circumstances, academies should seek guidance from external agencies in respect of a pupil refusing to be searched.
- Academies have the option to contact the police to conduct a search if the incident or situation requires immediate police involvement.
- See Appendix A-COVID 19 Addendum for relevant procedural updates.

7. Confiscation/Seizure:

The staff member conducting the search may seize anything that they have reasonable grounds for suspecting is a defined prohibited item. The Principal should be informed where appropriate. Any confiscated items will be dealt with in accordance with the DfE guidance Screening, Searching and Confiscation (January 2018). In particular:

- If alcohol is found, it may be retained or disposed of. The Principal should be informed.
- Any controlled drugs must be handed over to police as soon as possible unless there is good reason not to do so in which case the drugs must be disposed of. If there is any question about a substance being a controlled drug they should be treated as such. Other substances, such as 'legal highs' must be confiscated.
- Tobacco and cigarette papers should be disposed of and not returned to the pupil.
- Fireworks should be disposed of but not returned to the pupil.
- Pornographic images should be disposed of unless they are suspected to constitute a specified offence (i.e. extreme of child pornography) in which case they should be delivered to the police as soon as reasonably possible.

- Weapons must be passed to the police as soon as possible.
- If staff find stolen goods, these must be delivered to the police unless there is good reason not to do so, in which case the item should either be returned to the owner, or, if this is not practicable, the items should be retained or disposed of.
- Appropriate records should again be kept.

8. Statutory Guidance for dealing with electronic devices:

- Where the person conducting the search finds an electronic device they may examine any 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 and unless they are going to give the device to the Police.
- The member of staff must have regard to the following guidance issued by the Secretary of State when determining what is a “good reason” for examining or erasing the contents of an electronic device.
 - *In determining a ‘good reason’ to examine or erase the data or files the staff member must reasonably suspect that the data or file on the device in question has been, or could be, used to cause harm, to disrupt teaching or break the school rules.*
- If inappropriate material is found on the device it is up to the Principal or DSP to decide whether they should delete that material, retain it as evidence (of a criminal offence or a breach of school discipline) or whether the material is of such seriousness that it requires the involvement of the police.
- All academy staff should be aware that behaviours linked to sexting put a pupil in danger.

9. Informing parents/ carers and dealing with complaints

- Academies are not required to inform parents/ carers before a search takes place or to seek consent to search their child.
- Academies will inform individual pupils’ parents/carers where alcohol, illegal drugs or potentially harmful substances are found (although there is no legal requirement to do so).
- There is no legal requirement to make or keep a record of a search, however the Trust requires a log of all screenings and searches to be kept within a secure area of the academy’s network. The Trust office should also be informed.
- Being found in possession of an illegal or dangerous article could mean fixed period or permanent exclusion from the academy. In some circumstances the police might also be contacted.
- Complaints about screening or searching will be dealt with through the Trust complaints procedures

Offensive Weapons Policy

It is illegal to carry knives or other offensive weapons on and around academy premises. The presence of weapons in the academy would not only create unacceptable risks of bullying, injury or death, but also create a climate which undermines the educational purposes of the academy. Accordingly, it is the academy's policy to forbid the possession and use of weapons by unauthorised persons in, on or around the academy premises and academy activities. No pupil or other person shall bring a weapon into the academy zone, nor carry or keep any weapon within the perimeter of the academy site or while attending or participating in any academy activities.

For the purpose of this policy a "weapon" is:

- any firearm of any description, including starting pistols, air guns and any type of replica or toy gun.
- Knife, including all variations of bladed object including pocket knives, craft knives, scissors etc.
- Explosive, including fireworks, aerosol spray, lighter, matches.
- Acids or other corrosive substances.
- Laser pen or other object, even if manufactured for a non-violent purpose that has a potentially violent use, if, in the circumstances, the purpose of keeping or carrying the object is for use, or threat of use, as a weapon. Any such weapon would be confiscated.

Any pupil found to be in breach of this policy shall be subject to action under the academy's Behaviour Management Policy. This could mean fixed period or permanent exclusion from the academy. In some circumstances the police might also be contacted.

Appendix A

Procedures and protocols when conducting a search-COVID 19 Addendum

1. Introduction

During the 2019-20 academic year the world experienced a global pandemic of a new respiratory illness called coronavirus, which caused a disease called COVID 19. During this time, government advice in regards to social distancing came into force.

2. Can staff still search pupils with social distancing in place?

Whilst every effort to maintain social distancing will remain in place, should there be an imminent threat, or fear for a pupils or staff safety, then the right to search pupils will be used.

3. How will this be conducted?

Staff are advised to wear PPE such as gloves, plastic apron, face mask, face shield, when conducting a search wherever this is practicable to do so, and to utilise no contact or low contact screening where appropriate (see section 4.)