

Searching, Screening and Confiscation Policy

Policy Monitoring, Evaluation and Review

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

Version:	6.0
Date created:	November 2022
Author:	ACU
Ratified by:	Executive Team
Date ratified:	8 th December 2022
Review date:	November 2024

Revision History:

Version	Date	Author	Summary of Changes:
6.0	November 2022	ACU	Renaming of policy – previously called ‘Search and Offensive Weapons policy’ Policy reworded considering the Dfe Guidance: ‘Searching, Screening and Confiscation’ July 2022
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.

Contents

1. Introduction	2
2. Scope	2
3. Searching & Screening: Key Points	2
4. Prohibited items are:	2
5. Authorising members of staff to conduct a search	3
6. Before searching	3
7. During searching	3
8. After searching	3
9. Confiscation	4
10. Electronic devices	4

1. Introduction

This policy has been developed to be read alongside the school's Behaviour policy. It has been developed to ensure that our schools are safe environments for all pupils and staff, enabling them to safeguard and promote staff and pupil welfare. For further information, see [Searching, Screening and Confiscation \(publishing.service.gov.uk\)](https://publishing.service.gov.uk)

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, the Criminal Justice Act 1988 and the DfE guidance on Searching, Screening and Confiscation (published July 2022). The policy will also 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 a pupil is in possession of a 'prohibited', or other specified item that the school does not allow on site (see list below). In such circumstances this policy may be applied.

3. Searching & Screening: Key Points

- The Principal (and staff they authorise) can **search any pupil for any item if the pupil agrees**. The member of staff should ensure the pupil understands the reason for the search and how it will be conducted.
- When pupils refuse to cooperate, the principal (and staff they authorise) can use reasonable force, where appropriate, to **search for 'prohibited' items only**. For further information, see Use of reasonable force in schools - GOV.UK (www.gov.uk)
- **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 premises. In TMET schools, screening would only be introduced in consultation with the police. Parents would be told that screening would happen during the year, but schools may be advised by the police not to provide exact dates to ensure that the screening is effective. Parents would be informed about what will be involved and why it will be introduced. If a pupil refuses to be screened, the member of staff will assess whether it is necessary to conduct a search (see above).

See Appendix 1

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

5. Authorising members of staff to conduct a search

Within TMET, screening and searches are carried out by the Principal, or staff authorised by them. Staff members are entitled to refuse to do a search, unless they are named as a member of security staff. The Principal should ensure a culture of safe, proportionate and appropriate searching is maintained to safeguard the welfare of all pupils and staff. The Principal should ensure that a sufficient number of staff are appropriately trained in how to lawfully and safely search a pupil who is not co-operating.

6. Before searching

Authorised staff at TMET schools will:

- Explain to the pupil: **why** they are being searched, **how** and **where** the search is going to take place.
- Seek cooperation of the pupil in the first instance. If the pupil refuses, the member of staff may consider a sanction under the school's behaviour policy.
- Consider whether a search must be conducted urgently, and whether it is appropriate to use reasonable force to search for 'prohibited' items only.



- Find an appropriate place for the search, away from other pupils wherever possible.
- Ensure that the person undertaking the search is of the same sex as the pupil being searched **and** there is a witness present.

NB an exception to this rule is where there is a risk of serious harm if the search is not carried out urgently. In this situation, the search may be undertaken by a member of a different sex, but a witness would still be needed; or the search may be undertaken without a witness, but the staff member undertaking the search must be of the same sex.



7. During searching

Authorised staff at TMET schools will:

- ensure that only outer clothing, possessions, desks, drawers or lockers are searched, and only items of 'outer clothing' are removed, e.g., coat, hats, shoes, boots, scarves;
- be sensitive to asking pupils to remove items of clothing which hold religious significance;
- only search a pupil's possessions in the presence of the pupil and another member of staff, unless there is a risk of serious harm if the search is delayed.

NB 'strip searching' can only be carried out by police officers and would only be considered as a last resort. There must be at least 2 people present in addition to the pupil, one of which must be an 'appropriate adult,' e.g., a parent, relative, social worker or teacher.



8. After searching

Authorised staff at TMET schools will:

- ensure that appropriate support is given to the pupil who has been searched;
- notify the DSL, who will consider whether there are wider safeguarding risks and consider what support, interventions or referrals are needed;
- ensure that a sanction is given, in line with the school's behaviour policy, should the pupil be found in possession of a prohibited item;
- inform parents of the search, the outcome and any confiscation as soon as possible;
- record the search in CPOMS, regardless of whether an item is found or not. Records will include:
 - the time, date and location of the search
 - who conducted the search
 - what was being searched for
 - the reason for searching
 - what items, if any, were found
 - what follow up actions were taken as a consequence of the search

9. Confiscation

The authorised staff member conducting the search can confiscate anything that they have reasonable grounds for suspecting:

- poses a risk to staff or pupils
- is a prohibited item, or other item not allowed in school (listed in section 4 above)
- is evidence in relation to an offence

The law protects members of staff from liability in any proceedings brought against them for any loss of, or damage to, any item they have confiscated, provided they have acted lawfully.

Any confiscated items will be dealt with in accordance with the Dfe Guidance: 'Searching, Screening and Confiscation' July 2022, e.g.,

- Drugs, other controlled substances, stolen items and weapons should be delivered to the police;
- Alcohol, tobacco, cigarettes or fireworks may be retained or disposed of as appropriate, but should not be returned to the pupil.

10. 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. However, if they suspect they may find a nude or semi-nude image they must never intentionally view the image or copy, print, share, store or save. If an indecent image of a child may be involved, the device must be confiscated, and the DSL will take appropriate action.
- Devices must be delivered to the police if any image, data or file indicates an offence. No data should be deleted.
- In exceptional circumstances, members of staff may dispose of the image or data if there is a 'good reason' to do so, in accordance with guidance from the Secretary of State: *'If the data or files are not suspected to be evidence in relation to an offence, a member of staff may delete the data or files if the continued existence of the data or file is likely to cause harm to any person and the pupil and/or the parent refuses to delete the data or files themselves.'*

Search Protocol flow chart



The list of prohibited items is:

- knives and weapons;
- alcohol;
- illegal drugs;
- stolen items;
- tobacco, cigarettes or vapes
- 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 to property of; any person (including the pupil).

Before a search

- The principal has authorised SLT and Heads of Year only to be able to conduct a search.
- Before any search takes place, the member of staff conducting the search should explain to the following to the scholar:
 - why they are being searched
 - how and where the search is going to take place
 - give them the opportunity to ask any questions.

Scholar complies with search request

- An appropriate location for the search should be found. This should be away from other scholars.
- 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.
- 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.
- 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.

Scholar refuses to co-operate

- Radio for a member of SLT
- During this time the scholar should be supervised and kept away from other pupils.
- The member of SLT staff will assess whether it is appropriate to use reasonable force to conduct the search.

After a Search

- If a scholar is found to be in possession of a prohibited item, then the staff member should alert a DSL or Behaviour lead. Sanctions will be considered in line with the school's behaviour policy to ensure consistency of approach.
- Parents should always be informed of any search for a prohibited item listed above that has taken place, and the outcome of the search as soon as is practicable.
- A member of staff should inform the parents of what, if anything, has been confiscated and the resulting action the school has taken, including any sanctions applied.
- Whether or not any items have been found as a result of any search, schools should consider whether the reasons for the search, the search itself, or the outcome of the search give cause to suspect that the pupil is suffering, or is likely to suffer harm, and/or whether any specific support is needed. Where this is the case, school staff should follow the usual safeguarding process.
- Any search by a member of staff for a prohibited item listed and all searches conducted by police officers should be recorded in the school's safeguarding reporting system, including whether or not an item is found.
- The search log should include the following, the date, time and location of the search; which pupil was searched; who conducted the search and any other adults or pupils present; what was being searched for; the reason for searching; what items, if any, were found; what follow-up action was taken as a consequence of the search
- Staff will consider if pastoral support, an early help intervention or a referral to children's social care is appropriate.

Confiscation - Items found as a result of a search.

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.

Controlled drugs must be delivered to the police as soon as possible.