

SEARCHING, SCREENING AND CONFISCATION POLICY

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THE NORTH SCHOOL

SEARCHING, SCREENING AND CONFISCATION POLICY

1. SEARCHING

In line with the Department for Education (DfE) publication 'Searching, Screening and Confiscation - advice for headteachers, school staff and governing bodies. February 2014', the headteacher and staff authorised by them have a statutory power to search students or their possessions, without consent, where they have reasonable grounds for suspecting that the student may have prohibited items. Prohibited items include:

- 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 to, or damage to the property of, any person (including the student)

The headteacher and authorised staff can also search for any item banned by the school rules which has been identified in the rules as an item which may be searched for.

2. CONFISCATION

School staff can seize any prohibited item found as a result of a search. They can also seize any item, however found, which they consider harmful or detrimental to school discipline.

3. SCREENING

The headteacher and authorised staff can require students to undergo screening by a walkthrough or handheld metal detector (arch or wand) even if they do not suspect them of having a weapon and without the consent of the student. Schools' statutory power to make rules on student behaviour and their duty as an employer to manage the safety of staff, students and visitors enables them to impose a requirement that students undergo screening as required.

If a student refuses to be screened, the school may refuse to have the student on the premises. Health and safety legislation requires a school to be managed in a way which does not expose students or staff to risks to their health, safety or welfare and this would include making reasonable rules as a condition of admittance.

If a student fails to comply, and the school does not let the student in, the school has not excluded the student and the student's absence will be treated as unauthorised. The student should comply with the rules and attend.

4. SEARCHING WITH CONSENT

Schools' common law powers to search:

- The headteacher and authorised staff can search students with their consent for any item. Formal written consent from the student for this sort of search is not required – it is enough for staff member to ask the student to turn out his or her pockets or if the staff member can look in the student's bag or locker and for the student to agree.

- The headteacher and authorised staff can view CCTV footage in order to make a decision as to whether to conduct a search for an item.
- If the headteacher or authorised member of staff suspects a student has a banned item in his or her possession, they will instruct the student to turn out his or her pockets or bag and, if the student refuses, appropriate punishment as set out in the school's Behaviour Management Policy, can be applied.
- A student refusing to cooperate with such a search raises the same kind of issues where a student refuses to stay in a detention or refuses to stop any other unacceptable behaviour when instructed by a member of staff – in such circumstances schools can apply an appropriate disciplinary penalty.

5. SEARCHING WITH CONSENT

At The North School, the headteacher and authorised staff have the power to search without consent for:

- Knives or weapons, alcohol, illegal drugs and stolen items; and
- Tobacco and cigarette papers; fireworks and pornographic images; and
- 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
- Any item banned by the school rules which has been identified in the rules as an item which may be search for.

The headteacher or authorised staff member conducting the search will be the same sex as the student being searched. There will be a witness (also a staff member) and, if at all possible, they will be the same sex as the student being searched.

The headteacher or authorised staff member can only undertake a search without consent if they have reasonable grounds for suspecting that a student may have in his or 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.

In 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.

6. DURING THE SEARCH

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.

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

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.

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.

7. AFTER THE SEARCH

The headteacher or authorised member of staff can use their discretion to confiscate, retain and/or destroy any item found as a result of a 'with consent' search so long as it is reasonable in the circumstances. Where any article is thought to be a weapon it must be passed to the police.

Staff have a defence to any complaint or other action brought against them. The law protects school staff from liability in any proceedings brought against them for any loss of, or damage to, any item they have confiscated, provided they acted lawfully.

The headteacher or authorised staff carrying out a search can seize anything they have reasonable grounds for suspecting is a prohibited item or is evidence in relation to an offence.

Where the headteacher or authorised staff conducting a search finds alcohol, they may retain or dispose of it. This means that schools can dispose of alcohol as they think appropriate but this should not include returning it to the student.

Where they find other substances which are not believed to be controlled drugs these can be confiscated where the member of staff believes them to be harmful or detrimental to good order and discipline. This would include, for example, so called 'legal highs'. Where staff suspect a substance may be controlled they should treat them as controlled drugs as outlined above. Where they find stolen items, these must be delivered to the police as soon as reasonably practicable – but may be returned to the owner (or may be retained or disposed of if returning them to their owner is not practicable) if the person thinks that there is a good reason to do so. As with alcohol, this means that schools can dispose of tobacco or cigarette papers as they think appropriate but this should not include returning them to the student.

Fireworks found as a result of a search may be retained or disposed of but should not be returned to the student.

If a member of staff finds a pornographic image, they must seek the immediate advice of the school's designated safeguarding lead, who will take action as appropriate.

Where an article that has been (or could be) used to commit an offence or to cause personal injury or damage to property is found it may be delivered to the police or returned to the owner. It may also be retained or disposed of.

Where a member of staff finds an item which is banned under the school rules they should take into account all relevant circumstances and use their professional judgement to decide whether to return it to its owner, retain it or dispose of it. Any weapons or items which are evidence of an offence must be passed to the police as soon as possible. If in doubt, staff should seek the advice of the headteacher or a senior member of staff.

8. SANCTIONS

The discovery of any prohibited items will result in sanctions being applied in line with the school's Behaviour Management Policy. The level of sanction will be decided by a member of the school's SLT.