



The Grove

Screening, Searching & Confiscation Policy

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Policy Written on: February 2021	Approved and Signed by Chief Executive Officer	Approved and Signed by Chair of Governors
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1.0 THE AIMS OF THE POLICY

The Grove is a safe and caring learning community. This policy is intended to explain the school's powers of screening and searching young people, to ensure it remains a place where pupils, parents, staff and governors are safeguarded.

It explains the use of the power to search pupils both with and without their consent. Furthermore, it explains the powers the school has to seize and then confiscate items found during a search. It includes statutory guidance which the school must have regard to.

2.0 WHAT LEGISLATION DOES THIS POLICY RELATE TO?

This policy takes account of the latest statutory advice and guidance available at the time of publication:

- Searching, screening & confiscation: advice for schools Feb 2014, updated Jan 2018
- Education Act (1996)
- Education and Inspections Act (2006)
- The School (Specification and Disposal of Articles) Regulations (2012)
- School Behaviour (Determination and Publicising of Measures in Academies) Regulations (2012).
- Searching, Screening and confiscation – Advice for headteachers, school staff and governing bodies.
- Use of Reasonable force – advice for headteachers, staff and governing bodies
- Health and Safety at Work Act 1974

2.1 Searching

2.1.1 Protocols for Searching a pupil with their Consent

Members of the Senior Leadership Team (SLT) at The Grove are authorised by the Headteacher, to search a pupil (or their possessions / locker) for any item if the pupil agrees and this agreement is witnessed by another member of the school staff.

Searches should normally be conducted by a member of the same sex as the pupil being searched and there should also be a witness present (another member of staff). If possible, the witness should be the same sex as the pupil being searched.

The person conducting the search **may not** require the pupil to remove any clothing other than outer clothing. More comprehensive searches of pupils' i.e. an intimate search can only be conducted by a person with more extensive powers, e.g. a Police Officer.

Staff authorised by the Headteacher to conduct searches can view CCTV footage in order to make a decision as to whether to search for an item.

Searches should be conducted with consideration for a pupil's right to privacy i.e. not in a publicly viewable space.

At The Grove a standard letter is sent home acknowledging that a search with consent has taken place, a copy of which is placed on the pupil's file (please see Appendix 1 for letter template).

2.1.2 Protocols for Searching a pupil without their Consent

The Headteacher, and members of the SLT authorised by the Headteacher, are permitted to search pupils without their consent, where they have reasonable grounds for suspecting that a pupil may have a prohibited item.

Searches should normally be conducted by a member of the same sex as the pupil being searched and there should also be a witness present (another member of staff). If possible, the witness should be the same sex as the pupil being searched.

The person conducting the search **may not** require the pupil to remove any clothing other than shoes and outer clothing. They can also search coats, pockets, possessions (including bags, lockers and desks). More comprehensive searches of pupils i.e. intimate searches can only be conducted by a person with more extensive powers, e.g. a Police officer.

Staff authorised by the Headteacher to conduct searches can view CCTV footage in order to make a decision as to whether to search for an item.

Searches should be conducted with consideration for a pupil's right to privacy i.e. not in a publicly viewable space.

2.1.3 Under what circumstances can the same sex search / witness part of protocol be varied?

The Headteacher can authorise a search of a pupil of the opposite sex and without a witness present, but only where they reasonably believe 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.

2.1.4 Prohibited Items

2.1.4.1 What can be searched for by law?

- Knives or weapons
- Alcohol
- Illegal drugs / drugs paraphernalia
- Stolen items
- Tobacco and cigarette papers
- Fireworks
- Pornographic images
- Any other article the member of staff reasonably suspects has been, or is likely to be, used to:
 - i) commit an offence;
 - ii) to cause personal injury to, or damage to the property of, any person (including the pupil).

2.1.4.2 What other items can be searched for?

The Headteacher (or authorised SLT members) can also search pupils for any item banned by the school rules

2.1.5 How will the school deal with pupils refusing to cooperate with a search?

In instances where a pupil refuses to cooperate with such a search The Grove will apply the school Behaviour Policy. Individual strategies and resources will be utilised to help the pupil understand why they might need to be searched. Sensitivity and acknowledgement as to their difficulties relating to their autism will be considered at all times.

2.1.6 Location of a search without consent

Searches without consent can only be carried out on the school premises or, if elsewhere, where the authorised member of staff has lawful control or charge of the pupil, for example on school trips in England. **NB: These powers only apply in England.**

2.1.7 Use of Physical Intervention

When searching for “Prohibited Items” staff authorised by the Headteacher can use such force as is reasonable given the circumstances.

Physical Interventions can only be carried out in line with The Grove Behaviour and Physical Intervention Policy.

Such force **cannot** be used to search for other items banned under the school rules.

2.1.8 The Power to Seize and Confiscate Items – General Guidance

Staff authorised by the Headteacher can confiscate, retain and dispose of a pupil’s property as a disciplinary sanction, where reasonable to do so, under Section 91 of the Education and Inspections Act (2006).

Authorised 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.

2.1.8.1 Guidance for Items Found as a Result of a “Without Consent” Search

Staff authorised by the Headteacher can seize anything they have reasonable grounds to believe is a “Prohibited Item” or is evidence in relation to an offence.

Alcohol may be retained as evidence and then disposed of appropriately.

Controlled drugs must be delivered to the Police as soon as possible but may be disposed of if the Headteacher thinks there is good reason to do so.

Stolen items must be delivered to the Police as soon as reasonably practicable – but may be returned to the owner if the Headteacher thinks there is good reason to do so.

Tobacco / Cigarette Papers may be retained as evidence and then disposed of by the Headteacher.

Fireworks must be retained as evidence and then disposed of by the Headteacher.

Pornographic Images may be retained as evidence and then may be disposed of unless its possession constitutes a specified offence – in which case it must be delivered to the Police by the Headteacher.

Articles that have (or could be) used to commit an offence or cause personal injury or damage to property – may be delivered to the Police or can be retained and then disposed of by the Headteacher.

Weapons or Items Which Are Evidence of an Offence – must be passed to the Police by the Headteacher as soon as possible.

2.1.9 Statutory Guidance for Dealing with Electronic Devices and Mobile Phones

Where a member of staff authorised by the Headteacher finds an electronic device / mobile phone during a search, they may examine any data on the device if they think there is good reason to do so.

A “good reason” for examining the contents of such devices is: where the staff member reasonably suspects 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 the staff member must refer this material to the Designated Person / Child Protection Officer.

3.0 SCREENING

3.1 What the law allows

Any member of staff can require pupils to undergo screening by a hand –held metal detector (“wand”) with or without consent where they have reasonable cause to believe they may be in possession of a weapon.

At The Grove a standard letter is sent home acknowledging that screening without consent has taken place, a copy of which is placed on the pupils file (please see Appendix 3 for letter template).

3.1.1 pupils who refuse to be screened

If a pupil refuses to be screened, the Headteacher has the right to refuse to permit the pupil on to the school site.

If a pupil fails to comply, and the school does not let the pupil on site, parents / carers will be informed and this will be treated as unauthorised absence and not exclusion.

4.0 TRAINING STAFF FOR SEARCHES, SCREENING AND CONFISCATION PROCEDURES

When authorising a member of staff to undertake searches, screening or the confiscation of items the Headteacher should consider whether the member of staff requires any additional training to

enable them to carry out their responsibilities.

5.0 COMMENTS AND COMPLAINTS POLICY RELATED TO THIS POLICY

Pupils, parents, staff and governors with comments or complaints regarding matters covered by this policy are referred to the procedures contained within the schools' "Comments, Compliments and Complaints Policy" – a copy of which can be requested from the School Office.

6.0 OTHER ASSOCIATED POLICIES TO BE READ IN CONJUNCTION WITH THIS DOCUMENT

- Behaviour Policy & physical Intervention
- Tackling Bullying Policy
- Safeguarding Policy
- Equality and Diversity
- Autism Handbook & Flexibility of Thought Statement

APPENDIX 1

Letter template for a pupil searched with consent

Dear Parent / Carer,

I am writing to inform you that your child was involved in an incident at school today which resulted in them being searched with their consent. This involved outer clothes, pockets, bags, shoes, mobile phones / electronic devices and lockers being examined. Some items have been confiscated.

(Child's name) was searched by a trained member of staff of the same gender. The search was witnessed by another member of staff (also of the same gender). All such searches take place away from other pupils to ensure their privacy is respected. All searches comply with

government guidelines and that the law and with the schools' Screening, Searching and Confiscation Policy (a copy of which is available for inspection from Reception).

Should you wish to discuss this matter or the outcome of the search please make arrangements to speak to (Child's name) Head of House at your earliest convenience.

Yours sincerely,

APPENDIX 2

Letter template for a pupil searched without consent

Dear Parent / Carer,

I am writing to inform you that your child was involved in an incident at school today which resulted in them being searched without their consent. This involved outer clothes, shoes pockets, bags, shoes, mobile phones / electronic devices and lockers being examined. Some items have been confiscated.

(Child's name) was searched by a trained member of staff of the same gender. The search was witnessed by another member of staff (also of the same gender). All such searches take place away from other pupils to ensure their privacy is respected. All searches comply with

government guidelines and that the law and with the schools' Screening, Searching and Confiscation Policy (a copy of which is available for inspection from Reception).

Should you wish to discuss this matter or the outcome of the search please make arrangements to speak to (Child's name) Head of House at your earliest convenience.

Yours sincerely,

APPENDIX 3

Letter template for a pupil screened with / without consent

Dear Parent / Carer,

I am writing to inform you that your child was involved in an incident at school today which resulted in them being screened with / without their consent. This involved them undergoing screening using a hand held metal detector or "wand". Pupils undergo screening only where senior staff members have reasonable cause to believe that they may be in possession of a weapon. Some items have been confiscated as a result.

(Child's name) was screened by a trained member of staff of the same gender. The screening was witnessed by another member of staff (also of the same gender). All such screenings take place away from other pupils to ensure their privacy is respected. All screenings comply with government guidelines and that the law and with the schools' Screening, Searching and Confiscation Policy (a copy of which is available for inspection from Reception).

Should you wish to discuss this matter or the outcome of the search please make arrangements to speak to (Child's name) Head of House at your earliest convenience.

Yours sincerely,