

Searching, Screening and Confiscating

To be read in conjunction with the following school policies:

- Behaviour policy
- Physical Intervention and Restraint policy

Key Points:

- Any member of staff can search a pupil, if the pupil agrees
- Should the pupil not give consent, but the school has reasonable grounds to believe that they have in their possession a prohibited item the following is a list of staff members who are authorised to search:
 - Any member of the senior leadership team
 - Any member of the school teaching staff
 - Any member of the school support staff
 - Any person verbally authorised by the Headteacher prior to a search taking place
- The person searching must be the same sex as the pupil and there must be a witness (also from the above list) If possible the witness should also be the same sex as the pupil. **The only exception to this rule is when you reasonably believe that there is a risk of serious harm to the pupil, yourself, or others.**
- Prohibited items include:
 - Knives or other weapons
 - Alcohol
 - Illegal drugs
 - Stolen items
 - Tobacco and/or cigarette papers
 - Fireworks
 - Pornographic images
 - Any article that is suspected to have, or be used to commit an offence, cause personal injury to, cause damage to the school property or the property of others
 - Headteachers 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.
 - School staff can seize, and confiscate, any prohibited item found as a result of a search. They can also seize any item, they consider harmful or detrimental to school discipline.
- Reasonable grounds for suspecting a pupil has a prohibited item in their possession must be decided at the time by the member of staff undertaking the search, and wherever possible discussed with a member of the senior management team. Reasonable grounds may include: overhearing other pupils talking about an item or observing a pupil behaving in a suspicious way. School staff may wish to consider utilising CCTV footage in order to make a decision as to whether to conduct a search for an item.
- Even if staff fail to find a prohibited item in a pupil's possession the requirement to search is still acceptable
- When searching, pupils **MUST NOT** be required to remove any clothing other than outer clothing, such as, hats, shoes, boots, gloves, scarves, coats – any item that is not worn next to the skin or immediately over a garment that is classed as underwear.
- A pupil's possessions may only be searched with the pupil present and a witness **EXCEPT** when there is risk of significant harm if the search is not conducted immediately
- Any prohibited item seized during a search **MUST** be handed to a member of the senior management team immediately.

- Schools' general power to discipline, as circumscribed by Section 91 of the Education and Inspections Act 2006, enables a member of staff to confiscate, retain or dispose of a pupil's property as a disciplinary penalty, where reasonable to do so. Further guidance on the disposal, confiscation and/or delivering to the police can be found in the document Searching, Screening and Confiscation (Jan 2018) published by the Department for Education
- Searches without consent can only be carried out on the school premises or, if elsewhere, where the member of staff has lawful control or charge of the pupil, for example on school trips in England or in training settings.

Schools' obligations under the European Convention on Human Rights (ECHR)

- Under article 8 of the European Convention on Human Rights pupils have a right to respect for their private life. In the context of these particular powers, this means that pupils have the right to expect a reasonable level of personal privacy.
- The right under Article 8 is not absolute, it can be interfered with but any interference with this right by a school (or any public body) must be justified and proportionate.
- The powers to search in the Education Act 1996 are compatible with Article 8. A school exercising those powers lawfully should have no difficulty in demonstrating that it has also acted in accordance with Article 8. This advice will assist schools in deciding how to exercise the searching powers in a lawful way.

Telling parents and dealing with complaints

- Schools are not required to inform parents before a search takes place or to seek their consent to search their child.
- There is no legal requirement to make or keep a record of a search.
- Schools should inform the individual pupil's parents or guardians where alcohol, illegal drugs or potentially harmful substances are found, though there is no legal requirement to do so.
- Complaints about screening or searching should be dealt with through the normal school complaints procedure.

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