

Screening, Searching and Confiscation Policy (January 2024)

Schools within Triumph Trust are all inclusive schools. We take safeguarding very seriously and all of our policies are developed with a high priority on pupils' safety and in light of our safeguarding policy (reviewed and updated annually). This policy has been written using advice taken from Searching, Screening and Confiscation: Advice for Schools DfE July 2022.

All school staff have a responsibility to provide a safe environment in which pupils can learn. This policy applies to all pupils. Staff will respond with care and consideration to the age of the child when following the guidance in this policy. Staff will respond with care and consideration and make reasonable adjustments for pupils with special educational needs and/or disabilities (SEND).

Before screening or conducting a search of a pupil, our staff will consider their obligations under the European Convention on Human Rights. Under Article 8, pupils have a right to respect for their private life. In the context of these rights and obligations, this means that pupils have the right to expect a reasonable level of personal privacy.

Searching

This is an important part of ensuring that our school is a safe place for all pupils and staff. The Head (and staff authorised by the Head) have a statutory power to search pupils or their possessions, where they have reasonable grounds for suspecting that the pupil may have a prohibited item or items the school has banned from the school site. Prohibited items are:

- knives or weapons
- alcohol
- illegal drugs
- stolen items
- tobacco and cigarette papers
- vape or vaping equipment
- 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).

Staff have the power to search a pupil for any item if the pupil agrees. Staff will explain to the pupil the need for the search and how it will be conducted. Staff will seek the pupil's agreement for this search. Only the headteacher, or a member of staff authorised by the headteacher, can carry out a search. The headteacher can authorise individual members of staff to search for specific items, or all items set out in the school's behaviour policy. The headteacher will oversee the school's practice of searching to ensure that a culture of safe, proportionate and appropriate searching is maintained, which safeguards the welfare of all pupils and staff with support from the designated safeguarding lead (or deputy). Staff involved in searching will be appropriately trained in how to lawfully and safely search a pupil who is not cooperating so that they can support and advise other staff as needed. Our designated safeguarding lead will be informed of any search for prohibited items and /or if there is a safeguarding risk.

Before the search

A search can be considered if the member of staff has reasonable grounds for suspecting that the pupil is in possession of a prohibited item or any item identified in the school rules for which a search can be made, or if the pupil has agreed. Staff will make an assessment of how urgent the need for a search is and will consider the risk to other pupils and staff. Before any search takes place, the member of staff conducting the search will explain to the pupil why they are being searched, how and where the search is going to take place and give them the opportunity to ask any questions. If the pupil is not willing to co-operate with the search, the member of staff will consider why this is. Reasons might include that the pupils is:

- in possession of a prohibited item;
- does not understand the instruction;
- is unaware of what a search may involve; or
- has had a previous distressing experience of being searched.

If a pupil continues to refuse to co-operate, the member of staff may sanction the pupil in line with the school's behaviour policy, ensuring that they are responding to misbehaviour consistently and fairly. If the member of staff still considers a search to be necessary, but is not required urgently, they will seek the advice of the headteacher, designated safeguarding lead (or deputy) or pastoral member of staff who may have more information about the pupil. During this time the pupil will be supervised and kept away from other pupils. If the pupil still refuses to co-operate, the member of staff will assess whether it is appropriate to use reasonable force to conduct the search. A member of staff can use such force as is reasonable to search for any prohibited items identified above, but not to search for items which are identified only in the school rules. The decision to use reasonable force will be made on a case-by-case basis. The member of staff will consider whether conducting the search will prevent the pupil harming themselves or others, damaging property or from causing disorder.

During the search

An appropriate location for the search will be found. Where possible, this will be away from other pupils. The search will 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 carrying out the search must be the same sex as the pupil being searched. There must be an additional witness (also a staff member and, if possible, the same sex of the pupil being searched) present when a pupil is searched. There is a limited exception to this rule. Staff can carry out a search of a pupil without a witness present, but only where the staff member reasonably believes that there is a risk that serious harm will be caused to a person if they do not conduct the search immediately and where it is not reasonably practicable to summon another member of staff. If member of staff conducts a search without a witness they will immediately report this to another member of staff, and ensure a record of the search is kept. A member of staff may search a pupil's outer clothing, pockets, possessions, desks:

- The person conducting the search may not require the pupil 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 pupil has or appears to have control – this includes desks, lockers and bags.
- A pupil's possessions can only be searched in the presence of the pupil 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.

The member of staff may use a metal detector to assist with the search.

Strip searching

The member of staff's power to search outlined above does not enable them to conduct an intimate or strip search which only a person with more extensive powers (e.g. a police officer) can do. While the decision to undertake the strip search itself and its conduct are police matters, school staff retain a duty of care to the pupil(s) involved and **must** advocate for pupil wellbeing at all times. Before calling police into school, staff will assess and balance the risk of a potential strip search on the pupil's mental and physical wellbeing and the risk of not recovering the suspected item. Staff should consider whether introducing the potential for a strip search through police involvement is absolutely necessary, and should always ensure that other appropriate, less invasive approaches have been exhausted. Once the police are on school premises, the decision on whether to conduct a strip search lies solely with them, and our role as school staff is to advocate for the safety and wellbeing of the pupil(s) involved. Unless there is an immediate risk of harm and where reasonably possible, staff should inform a parent of the pupil suspected of concealing an item in advance of the search, even if the parent is not acting as the appropriate adult. Parents should always be informed by a staff member once a strip search has taken place. Schools should keep records of strip searches that have been conducted on school premises and monitor them for any trends that emerge. Whenever a strip search involves exposure of intimate body parts there must be at least two people present other than the pupil, one of which must be the appropriate adult. Pupils will be given appropriate support, irrespective of whether the suspected item is found. If an item is found, this may be a police matter, but will always be accompanied by a safeguarding process handled by school staff which gives attention to the pupil's wellbeing and involves relevant staff, such as the designated safeguarding lead (or deputy).

Desks/trays

Under common law powers, schools are able to search lockers and desks for any item provided the pupil agrees. Schools can also make it a condition of having a locker or desk that the pupil consents to have these searched for any item whether or not the pupil is present. If a pupil does not consent to a search (or withdraws consent having signed a consent form) then it is possible to conduct a search without consent but only for the "prohibited items" listed above.

After the search

Whether or not any items have been found as a result of any search, staff will 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 may be the case, school staff will follow the school's child protection policy and speak to the designated safeguarding lead (or deputy).

Recording searches

Any search by a member of staff for a prohibited item listed and all searches conducted by police officers will be recorded in CPOMS, including whether or not an item is found. The designated safeguarding lead (or deputy) will identify possible risks and initiate a safeguarding response if required. The headteacher may also decide that all searches for items banned by the school rules should be recorded. The record of each search which is recorded in CPOMS will:

- 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; and
- what follow-up action was taken as a consequence of the search

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. When deciding what to do with the confiscated items, staff will follow the guidelines set out in Searching, Screening and Confiscation: Advice for Schools DfE July 2022.

Dealing with electronic devices (Statutory Guidance)

Where the person conducting the search finds an electronic device that is prohibited by the school rules or that they reasonably suspects has been, or is likely to be, used to commit an offence or cause personal injury or damage to property, they may examine any data or files on the device where there is a good reason to do so. They may also delete data or files if they think there is a good reason to do so, 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 the member of staff should reasonably suspect that the data or file on the device has been, or could be used, to cause harm, undermine the safe environment of the school and disrupt teaching, or be used to commit an offence.

Informing Parents

We will work to reinforce a whole-school approach by building and maintaining positive relationships with parents. Parents will always be informed of any search for a prohibited item listed that has taken place, and the outcome of the search as soon as is practicable. A member of staff will inform the parents of what, if anything, has been confiscated and the resulting action the school has taken, including any sanctions applied. If a parent makes a complaint, our normal procedures for dealing with a complaint will be followed.

