

North Ridge School

Searching pupils and confiscation



The school holds its obligations in line with the Equality Act 2010 and the Public Sector Equality Duty with the utmost importance. The school's equality objectives can be located on the school's website. North Ridge High School is committed to equality and expects staff to uphold these principles.

- Staff must not discriminate on any grounds throughout their professional role
- Staff must act as role models in promoting equality of opportunity and fostering good relations and mutual respect between different groups.
- Staff must be able to recognise acts of prejudice, discrimination or stereotyping and challenge this if appropriate and/or report this to the Head teacher.

Approved by:	Policy committee	Date: 9.12.22
Last reviewed on:	[Date]	
Next review due by:	9.12.24	

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1. Aims, scope and principles

This policy aims to provide an understanding for staff pupils, parents and carers on the rules of when school staff can search pupils, and what they should do with any items found.

2. Legislation and guidance

We are required to follow DFE guidance published in 2014 and updated in January 2018 “Searching, screening and confiscation Advice for head teachers, school staff and governing bodies”. This advice is intended to explain schools’ powers of screening and searching pupils so that school staff have the confidence to use them. In particular, it explains the use of the power to search pupils without consent. It also explains the powers schools have to seize and then confiscate items found during a search. It includes statutory guidance which schools must have regard to.

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.

Screening what the law allows:

- *Schools can require pupils to undergo screening by a walk-through or hand-held metal detector (arch or wand) even if they do not suspect them of having a weapon and without the consent of the pupils.*

- *Schools’ statutory power to make rules:*

1. *on pupil behaviour*

- 2 *and their duty as an employer to manage the safety of staff, pupils and visitors*

3 enables them to impose a requirement that pupils undergo screening.

- *Any member of school staff can screen pupils.*

Also note:

- *If a pupil refuses to be screened, the school may refuse to have the pupil on the premises. Health and safety legislation requires a school to be managed in a way which does not expose pupils or staff to risks to their health and safety and this would include making reasonable rules as a condition of admittance.*
- *If a pupil fails to comply, and the school does not let the pupil in, the school has not excluded the pupil and the pupil's absence should be treated as unauthorised. The pupil should comply with the rules and attend.*
- *This type of screening, without physical contact, is not subject to the same conditions as apply to the powers to search without consent.*

3. Staff can search a pupil with their consent

Any member of school staff can request a search of a pupil for any item with their consent. This search will be undertaken with a senior member of staff present (Head or Deputy Head Teacher). In all circumstances North Ridge staff will work in co-operation with the pupil and their family. *We consider that this situation would be a rare occurrence at North Ridge School.*

School staff don't need written consent – they can simply ask the pupil to turn out their pockets or to let you look in their bag or locker, and if the pupil agrees, you can go ahead. This information will be communicated to the family and recorded on Cpoms

If we suspect the pupil has a **banned item** in their possession and they refuse a search, we would support the pupil in a safe area, contact their family and offer time for them to reconsider.

If there was a concern that a pupil may bring an item into school daily that caused them, other pupils and staff to be at risk we would undertake a risk assessment and write a plan that parents and the pupil would be asked to agree to involving a daily search.

4. Certain staff can search a pupil without their consent

School staff only undertake this type of search if we have 'reasonable grounds' for suspecting a pupil may have a **prohibited item** in their possession. 'Reasonable grounds' would be:

- Hear other pupils talking about the prohibited item; or
- Notice a pupil behaving in a way that causes staff to suspect they're concealing a prohibited item
- If parents or other professionals raise concerns about pupils having items on them e.g. drugs/tobacco alcohol/weapons

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
 - Cause personal injury or damage to property

Who can carry out the search?

Only the Head Teacher or a member of school staff authorised by them can search without consent. The searchers authorised at North Ridge are Head Teacher, Deputy Head Teachers and Assistant Head Teachers

The searcher must be the same sex as the pupil being searched, and another staff member **must** be present (if possible, they should be the same sex as well).

However, staff can search an opposite sex pupil and/or search without a witness present if:

- There's a risk that serious harm will be caused to a person if they don't conduct the search immediately, **and**
- It isn't reasonably practicable to summon another member of staff

5. Carrying out searches

Clothing

The searcher will not require the pupil to remove any clothing other than outer clothing (i.e. clothing not worn next to the skin or immediately over underwear).

Intimate searches can only be conducted by a person with more extensive powers (e.g. a police officer).

Lockers, desks and bags

These can only be searched in the presence of the pupil and another member of staff, except if:

- There's a risk that serious harm will be caused to a person if they don't conduct the search immediately, **and**
- It isn't reasonably practicable to summon another member of staff

Use of force

Staff can use reasonable force when conducting a search for prohibited items (see the section above for a list). North Ridge has a policy on positive handling. Staff are trained to and only use force if reasonable and proportionate following a dynamic risk assessment

School staff can confiscate items under certain circumstances

We can confiscate, retain or dispose of a pupil's property as a disciplinary consequence, where reasonable to do so.

There are ways we would handle specific prohibited items:

- Weapons or items which are evidence of an offence - **Pass these on to the police as soon as possible.**
- Alcohol, tobacco and cigarette papers, fireworks- **Either retain or dispose of these, but don't return them to the pupil.**
- Controlled substances - **In most cases, deliver these to the police as soon as possible.**

We can dispose of items if we think there's a good reason to do so.

If we're not sure of the legal status of a substance but you have reason to believe it may be a controlled drug, treat it as such.

Stolen items- **If the items are valuable or illegal, deliver these to the police as soon as possible.**

If they're low value, we will return them to the owner or dispose of them if returning them is not practicable.

Pornographic images- **Dispose of the images, unless we have reasonable grounds to suspect that their possession constitutes a specific offence (i.e. it is extreme or child pornography). If we do, we will deliver them to the police as soon as reasonably practicable.**

6. Search and confiscate electronic devices

If during a search we find an electronic device, we may examine its data or files – and delete files – if we have a good reason to do so and:

- The device is prohibited by school rules, or
- We reasonably suspect it has been, or is likely to be, used to:

- Commit an offence
- Cause personal injury or damage to property

A 'good reason' to examine devices or erase data or files is if you reasonably suspect that data or files on the device in question have been, or could be, used to:

- Cause harm
- Disrupt teaching

Evidence related to an offence

If we have reason to believe that the device contains evidence in relation to an offence, we must give the device to the police as soon as reasonably practicable.

If we search the device and find data or files related to the offence, we **won't** delete these before handing the device over.

7. Reporting searches to parents

We don't need to inform parents before a search takes place, and we don't need their consent to search their child. However, in all situations where reasonably possible we would contact the parent/ carer to make them aware.

If we have been unable to contact a parent prior to the search we will inform them afterwards if any of the following are found: Alcohol, Illegal drugs, potentially harmful substances

8. Summary of procedures

1. Staff will only search pupils in circumstances where we feel there is a risk to the safety of the pupil, other pupils and staff.
2. If feasible we will inform parents prior to the search and report to them after the search
3. The pupil will be asked by staff to go to a room away from other pupils to explain the reason for the search and to ensure they are given privacy. They will be asked to give permission for the search
4. The member of staff conducting the search will 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.
5. The pupil's possessions (any goods over which the pupil has or appears to have control – this includes desks, lockers and bags) will 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.

6. Any items removed will be dealt with following the procedures outlined in section 5
7. If the school has concerns about a pupil bringing possessions into school that may cause harm we will arrange a meeting with the pupil and their parent /carer. We will share our concerns and write a home school agreement, risk assessment and behaviour support plan. Parents/ carers will be required to co-operate with this process. The plans will be reviewed termly.
8. Complaints about screening or searching should be dealt with through the normal school complaints procedure.

9. Links with other policies

This policy links with our policies on:

- Child protection and safeguarding
- Behaviour policy
- Dignity and courtesy policy
- Positive handling policy
- Complaints policy