

## **COPLESTON HIGH SCHOOL**

### **Screening, Searching and Confiscation Policy Summary**

This policy is based upon the guidance in the most recent edition of DfE document 'Searching, Screening and Confiscation'. It sets out the school's power of screening and searching pupils so that school staff have the confidence to use them. In particular, it explains:

- The use of power to search pupils without consent
- The powers school have to seize and then confiscate items found during a search

This policy should be cross referenced with our:

- Safeguarding policy
- Behaviour policy
- Use of Restraint policy

### **Searching**

- School staff can search a pupil for any item if the pupil agrees.
- The Principal and staff authorised by him\* have a statutory power to search pupils or their possessions, without consent, where they have reasonable grounds for suspecting that the pupil may have a prohibited item.
- The Principal 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. The banned list of items can be found in the school's Behaviour Policy.

**\*The Principal at Copleston High School has given the Senior Leadership team authorisation to search pupils. Any search should have two senior staff present, whom ideally are the same gender of the pupil being searched. The search, unless it is impractical or impossible to do so, should be conducted out of the view of other students.**

However, staff can carry out a search of a pupil of the opposite sex to them 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.

### **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.

### **Searching with Consent**

Authorised school staff can search pupils with their consent for any item.

1. We are not required to have formal written consent from the pupil for this sort of search.

2. If a member of staff suspects a pupil has a banned item in his/her possession, they can instruct the pupil to turn out his or her pockets or bag and if the pupil refuses, the teacher can apply an appropriate punishment as set out in the school's behaviour policy.
3. A pupil refusing to co-operate with such a search raises the same kind of issues as where a pupil refuses to stay in a detention or refuses to stop any other unacceptable behaviour when instructed by a member of staff.

## **Searching without Consent**

Authorised staff can search a pupil if the school has reasonable grounds for suspecting that a pupil is in possession of a prohibited item.

### **During the search**

- 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 power to search without consent enables a personal search, involving removal of outer clothing and searching of pockets; but not an intimate search going further than that, which only a person with more extensive powers (e.g. a police officer) can do.

### **Use of force**

1. 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.
2. Separate advice is available on teachers' power to use force – see associated resources section below for a link to this document.

### **After the search**

The member of staff may 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 members of 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 policy sets out clear guidance about what the school will do with items that are found.

### **Statutory guidance for dealing with electronic devices**

1. Where the person conducting the search finds an electronic device they may examine any data or files on the device if they think there is a good reason to do so. Following an examination, if the person has decided to return the device to the owner, or to retain or dispose of it, they may erase any data or files, if they think there is a good reason to do so.
2. 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:.
3. If inappropriate material is found on the device it is up to the teacher to decide whether they should delete that material, retain it as evidence (of a criminal offence or a breach of school discipline) or whether the material is of such seriousness that it requires the involvement of the police.

### **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.

1. There is no legal requirement to make or keep a record of a search.
2. 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.
3. Complaints about screening or searching should be dealt with through the normal school complaints procedure.