

SEARCHING, SCREENING AND CONFISCATION POLICY

1 This Policy is written in response to Government advice on screening, searching and confiscation Reference number DFE 00034-2014 February 2014.

This advice includes the following key guidance:

- 1.1 Academy staff can search a student for any item, if the student agrees.
- 1.2 The Principal and staff authorised by the Principal, have a statutory power to search students or their possessions, without consent, where they have reasonable grounds for suspecting the student may have a prohibited item. The Principal and authorised staff can also search for any item banned by the Academy rules which has been identified in the rules as an item that may be searched for.
- 1.3 Academy staff can seize any prohibited item found as a result of a search. They can also seize any item, however found, which they consider to be harmful or detrimental to Academy discipline.

2 Searching with consent

- 2.1 Academy staff can search students with their consent for any item, particularly those banned by the Academy as named in the Behaviour for Learning Policy.
- 2.2 In addition to those items prohibited by law, banned items include;
 - E-cigarettes
 - aerosols
 - lighters and other smoking related items
 - energy drinks
 - any goods brought into Academy to sell to other students.
- 2.3 Academy staff means a teacher or someone who has lawful control or charge of the student.
- 2.4 The Academy is not required to have formal written consent from the student for this sort of search – it is enough for the member of staff to ask the student to turn out his or her pockets or for the member of staff to look in the student's bag and for the student to agree.
- 2.5 The Academy has made it clear in its Behaviour for Learning Policy and in communications to parents, what items are banned.
- 2.6 If a member of staff suspects a student has a banned item in his/her possession, he/she can instruct the student to turn out his or her pockets or bag and if the student refuses, a sanction will be applied in accordance with the Behaviour for Learning Policy.

3 Sanctions for failing to co-operate with a member of staff seeking consent to search a student

- 3.1 If a member of staff has reasonable grounds to believe that a student is carrying a banned item/s and the student refuses to co-operate with a search then this may represent a serious health and safety risk to the rest of the Academy.
- 3.2 Should this situation arise, parents will be contacted and the student will be sent home immediately.
- 3.3 If it is not possible to contact parents then the student will be isolated for the rest of the Academy day.

4 Searching without consent

4.1 The Principal and staff authorised by the Principal, have a statutory power to search students or their possessions, without consent, where they have reasonable grounds for suspecting the student may have a prohibited item.

4.2 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, or cause personal injury to, or damage to the property of, any person (including the pupil)

4.3 When searching a student the member of staff must be the same sex as the student being searched. In addition there must be a witness (also a staff member) and, if at all possible, they should be the same gender as the student being searched. For example, it may be necessary for a member of the opposite sex to witness a search on a Academy trip.

5 During a search

5.1 The person conducting the search may not require the student 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 blazers, jumpers, hoodies, hats, shoes, boots, gloves and scarves

5.2 'Possessions' means any goods which the student has, or appears to have – this includes bags.

5.3 A student's possessions can only be searched in the presence of the student and another member of staff.

5.4 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.

5.5 Only a person with more extensive powers (eg a police officer) can carry out an intimate search.

5.6 If deemed necessary the Academy can use a non-intrusive metal detector to search for certain items.

6 Use of force

6.1 Reasonable force may be used by the person conducting the search.

6.2 Reasonable force will be used if a member of staff believes that by not using reasonable force the student presents a health and safety risk to him/herself or others.

7 After the search

7.1 Academies' general power to discipline, as set out in Section 91 of the Education and Inspections Act 2006, enables a member of staff to confiscate, retain or dispose of a student's property as a disciplinary penalty, where reasonable to do so.

7.2 A member of 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. Where any article is thought to be a weapon it must be passed to the police.

7.3 Banned items and any goods brought into the Academy to sell to other students will be retained by the member of staff and passed to a member of the Behaviour for Learning team for disposal.

- 7.4 Members of 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.

8 Items found as a result of a 'without consent' search

- 8.1 A person carrying out a search can seize anything they have reasonable grounds for suspecting is a prohibited item (that is a weapon/knife, fireworks, alcohol, illegal drugs or stolen items) or is evidence in relation to an offence. Where a person conducting a search finds alcohol, they may retain or dispose of it. Where controlled drugs are found these must be delivered to the police as soon as possible unless there is a good reason not to do so – in which case the drugs must be disposed of.
- 8.2 Where other substances are found which are not believed to be controlled drugs these can be confiscated if a teacher believes them to be harmful or detrimental to good order and discipline. This would include, for example, so called 'legal highs'. Where staff suspect a substance may be controlled they should treat it as a controlled drug as outlined above.
- 8.3 Where stolen items are found these must be delivered to the police unless there is a good reason not to do so – in which case the stolen item should be returned to the owner.
- 8.4 These stolen items may be retained or disposed of if returning them to their owner is not practicable.
- 8.5 In determining what is a 'good reason' for not delivering controlled drugs or stolen items to the police the member of staff must have regard to guidance issued by the Secretary of State.
- 8.6 Any weapons or items which are evidence of an offence must be passed to the police as soon as possible.
- 8.7 The Academy keeps a log of all confiscated items, when the student was searched and the disposal of any items.

9 Telling parents and dealing with complaints

- 9.1 Academies are not required to inform parents before a search takes place or to seek their consent to search their child.
- 9.2 There is no legal requirement to make or keep a record of a search.
- 9.3 Academies should inform the individual student's parents or carers where alcohol, illegal drugs or potentially harmful substances are found, though there is no legal requirement to do so.
- 9.4 Complaints about screening or searching should be dealt with through the normal Academy complaints procedure.
- 9.5 If a search reveals any banned or prohibited substance we will always inform parents.

10 Authorising members of staff

- 10.1 The Principal can decide who to authorise to use these powers. There is no requirement to provide authorisation in writing.

11 Training for Academy staff

- 11.1 There is no legal requirement for the Principal or authorised members of staff to be trained before undertaking a 'without consent' search.
- 11.2 When designating a member of staff to undertake searches under these powers, the Principal will consider whether the member of staff requires any additional training to enable them to carry out their responsibilities.
- 11.3 The powers allow Academy staff to search regardless of whether the student is found after the search to have that item. This includes circumstances where staff suspect a student of

having items such as illegal drugs or stolen property which are later found not to be illegal or stolen.

- 11.4 The Behaviour for Learning members of staff may view CCTV footage in order to make a decision as to whether to conduct a search for an item.

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